

requested to provide, as the mode of ratification, that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the Legislatures of three-fourths of the several States; and be it further

Resolved, That the Secretary of State be, and he hereby is, directed to send a duly certified copy of this resolution to the House of Representatives in the Congress of the United States and one to the Senate of the United States, and to each Texas member thereof.

SHIVERS,
MAURITZ.

The resolution was read and was adopted.

Adjournment

On motion of Senator Graves, the Senate, at 5:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

SIXTY-SEVENTH DAY

(Tuesday, May 11, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Beck.

Appointment of Special Committee

Pursuant to S. R. No. 100, the President announced the appointment of the following committee to present to the Governor an official copy of the resolution, as a testimonial of the Senate's esteem:

Senators Mauritz, Aikin, and Moore.

(Senator Moffett in the Chair.)

Report of Committee to Investigate Matters Pertaining to Textbooks

Senator Metcalfe submitted the following report:

Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee appointed under authority of S. R. No. 35 to investigate the situation of text books, their purchase, distribution, replacement, rebinding, etc., beg leave to report back as follows:

In spite of pressure of session meetings we have held preliminary hearings and laid excellent groundwork for the development of legislation that will be of permanent benefit in the solution of the problem existing by reason of the furnishing of free text books to the children of Texas.

We have had the help of an Assistant Attorney General, and have had before us the State Superintendent of Public Instruction, several members of the State Board of Education, the head of the Textbook Division of the State Department of Public Instruction, and the operator of a book rebinding company.

All hearings of the committee to date have been without cost to the Senate inasmuch as the testimony was taken down and transcribed by the regular secretaries of the Members of the Senate and no expense has been had to secure witnesses.

These preliminary hearings indicate that there is a real need for a complete study and careful revision of the laws governing free text books in Texas to the end that a system be formulated that will be adequate and efficient.

METCALFE, Chairman.

Senate Resolution 103

Senator Cotten offered the following resolution:

Whereas, The committee appointed under authority of S. R. No. 35 to investigate the free text book situation in Texas has made good preliminary progress towards its objective; and

Whereas, These investigations have developed a real need for further study of the entire matter to the end that proper laws may be drafted to solve this perplexing problem; now, therefore, be it

Resolved by the Senate of Texas, That this committee be continued after adjournment of the Legislature and that it be directed to study and investigate the situation as to free text books and such other matters affecting the schools of Texas as in its wisdom it may see fit and make its recommendations thereon to the next Regular Session of the Legislature, and that in carrying out the direction herein contained that the said committee shall have and execute all powers and authority granted and vested it in under the provisions of S. R. No. 35 and this resolution.

On motion of Senator Cotten, and by unanimous consent, the reading of the resolution was dispensed with and it was adopted.

House Bills and First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated.

H. B. No. 392, to Committee on Counties.

H. B. No. 765, to Committee on Civil Jurisprudence.

H. B. No. 670, to Committee on Highways and Motor Traffic.

H. B. No. 761, to Committee on State Affairs.

Report of Standing Committee

Austin, Texas,
May 11, 1943.

Hon. John. Lee Smith, President of the Senate.

Sir: We, your Committee on County and County Boundaries to whom was referred H. B. No. 392, have had the same under considera-

tion, and I am instructed to report back to the Senate with recommendation that it do pass and be not printed.

GRAVES, Chairman.

House Concurrent Resolution 141

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 141, Authorizing correction of typographical error in H. B. No. 632.

The Presiding Officer laid the resolution before the Senate, and it was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has concurred in Senate amendments to H. B. No. 497 by a vote of 70 yeas, 48 noes, and 4 present and not voting.

The House has adopted the Conference Committee report on H. B. No. 219 by a viva voce vote.

The House has adopted the Conference Committee report on S. B. No. 18 by a viva voce vote.

H. C. R. No. 149, In memory of Aviation Cadet Ernest Lafayette Leonard.

H. C. R. No. 150, In memory of Honorable Charles B. Metcalfe.

H. C. R. No. 156, Suspending Joint Rule No. 9.

S. C. R. No. 60, Authorizing correction of S. B. No. 100.

S. C. R. No. 63, Suspending that part of Joint Rule No. 9 which prohibits the passage of any bill within the last twenty-four hours of the session unless it be to correct an error therein.

S. B. No. 311, A bill to be entitled "An Act authorizing the public school board to revise leases affecting all islands, salt water lakes, bays, inlets, marshes and reefs owned by the State

within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, upon such terms and consideration as the school land board may consider fair and advantageous to the State, authorizing the school land board to execute supplemental instruments accomplishing such revision after proposal or proposal for the same in a public document to the school land board, but which supplemental instruments shall reserve to the State a free royalty of at least one-eighth (1/8) of the oil or gas on such tracts; etc.; and declaring an emergency." (With amendments.)

S. B. No. 367, "An Act making an appropriation out of the General Revenue Fund of the State of Texas for the Secretary of State, for the purpose of compiling, editing, indexing, binding and distributing the current laws, etc."

The House has adopted the Conference Committee report on H. B. No. 692 by a vote of 135 yeas, 0 noes.

H. C. R. No. 158, Suspending Joint Rule No. 9 for considering H. B. No. 677.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

**Report of Conference Committee on
House Bill 666**

Senator Lanning submitted the following report:

May 11, 1943.

Hon. John Lee Smith, President of the Senate,

Hon. Price Daniel, Speaker, House of Representatives.

Sirs: We, the Members of your Conference Committee appointed to adjust the differences between the Senate and the House on H. B. No. 666, [the eleemosynary appropriation bill] have met and recommend that H. B. No. 666 be passed in the form attached hereto.

Respectfully submitted,

LANNING,
AIKIN,
STONE,
WINFIELD,
On the Part of the Senate;
BURKETT,
HUFFMAN,

SADLER,
SHELL,
HELPINSTILL,
LEYENDECKER,
On the Part of the House.

On motion of Senator Lanning, it was ordered that the text of the bill attached to the report be not printed in the Journal.

The report was adopted.

**Report of Conference Committee on
House Bill 692**

Senator Metcalfe submitted the following report:

Austin, Texas,
May 7, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Conference Committee appointed to adjust the differences between the two Houses on H. B. No. 692, have had same under consideration, and beg leave to report it back with the recommendation that it do pass and be printed in the form attached hereto.

Respectfully submitted,

METCALFE,
JONES,
HAZLEWOOD,
LANNING,
MORRIS,
On the Part of the Senate;
RAMPY,
GILMER,
CHESSHER,
BAKER,
SUMMERS,
On the Part of the House.

**A BILL
To Be Entitled**

"An Act amending Section 2, and Section 5 of S. B. No. 115, Chapter 367, Acts of the Regular Session of the Forty-second Legislature, fixing the time and term of holding of the 51st Judicial District Court in the Counties of: Tom Green, Irion, Schleicher, Coke, and Sterling, and fixing the time and term of holding of the 119th Judicial District Court in the Counties of: Coleman, Concho, Runnels, and Tom Green constituting the 51st Judicial District Court and the 119th Judicial District Court of Texas; validating and continuing all processes issued or served before this Act takes effect, including recog-

nizances and bonds and making them returnable to the next term of court in said counties and districts as herein fixed; validating the summoning of grand and petit juries under this Act; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 2 of S. B. No. 115, Chapter 367, Acts of the Regular Session of the Forty-second Legislature be and the same is hereby amended so as to read as follows:

"Sec. 2. (a) The 51st Judicial District of Texas shall be composed of Tom Green, Irion, Schleicher, Coke, and Sterling Counties; the terms of the District Court shall be held therein each year as follows:

"In the County of Tom Green on the first Mondays in January and June.

"Each term of court in the said county may continue until the date herein fixed for the beginning of the next succeeding term therein.

"Irion County: A term to begin on the tenth Monday after the first Monday in January of each year and may continue in session two weeks.

"Schleicher County: A term to begin on the twelfth Monday after the first Monday in January of each year and may continue in session three weeks.

"Coke County: A term to begin on the fifteenth Monday after the first Monday in January of each year and may continue in session two weeks.

"Sterling County: A term to begin on the seventeenth Monday after the first Monday in January of each year and may continue in session two weeks.

"Irion County: A term to begin on the first Monday in September of each year and may continue in session two weeks.

"Schleicher County: A term to begin on the second Monday after the first Monday in September of each year and may continue in session three weeks.

"Coke County: A term to begin on the fifth Monday after the first Monday in September of each year and may continue in session two weeks.

"Sterling County: A term to begin on the seventh Monday after the first Monday in September of each year and may continue in session two weeks.

"(b) The judge of said court in his discretion may hold as many sessions of court in any term of the court in any county as is deemed by him proper and expedient for the dispatch of business.

"(c) All processes issued, bonds and recognizances made and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Courts of the several counties as herein fixed as though issued and served for such terms and returnable to and drawn from the same.

"(d) It is further provided that if any court in any county of said district shall be in session at the time this Act takes effect such court or courts affected thereby shall continue in session until the term thereof shall expire under the provisions of existing laws, but thereafter all courts in said district shall conform to the requirements of this Act."

Sec. 2. That Section 5 of S. B. No. 115, Chapter 367, Acts of the Regular Session of the Forty-second Legislature be and the same is hereby amended so as to read as follows:

"Sec. 5. (a) The 119th Judicial District of Texas shall be composed of Coleman, Concho, Runnels, and Tom Green Counties; the terms of the District Court shall be held therein each year as follows:

"In the County of Coleman on the first Mondays in January and June.

"In the County of Concho on the first Mondays in February and July.

"In the County of Runnels on the first Mondays in March and October.

"In the County of Tom Green on the first Mondays in April and November.

"Each term of court in each of such counties may continue until the date herein fixed for the beginning of the next succeeding term therein.

"(b) The judge of said court in his discretion may hold as many sessions of court in any term of the court in any county as is deemed by him proper and expedient for the dispatch of business.

"(c) All processes issued, bonds and recognizances made and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Courts of the several counties as herein fixed as though issued and served for such terms and returnable to and drawn from the same.

"(d) It is further provided that if any court in any county of said district shall be in session at the time this Act takes effect such court or courts affected thereby shall continue in session until the term thereof shall expire under the provisions of existing laws, but thereafter all courts in said districts shall conform to the requirements of this Act."

Sec. 3. The fact that the rearrangement of the terms of court of the Counties of Tom Green, Irion, Schleicher, Coke, and Sterling comprising the 51st Judicial District of Texas, and the Counties of Coleman, Concho, Runnels, and Tom Green comprising the 119th Judicial Districts of Texas, will aid measurably to the dispatch of the business of the courts in these counties and will avoid delay and expedite the transactions of the business in said courts creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

Report of Conference Committee on Senate Bill 18

Senator Metcalfe submitted the following report:

Austin, Texas,
April 30, 1943.

Hon. John Lee Smith, President of the Senate,

Hon. Price Daniel, Speaker of the House.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on S. B. No. 18, have met and beg leave to recommend that said S. B. No. 18 be passed in the form hereto attached.

Respectfully submitted,

METCALFE,
AIKIN,
LANE,
MORRIS,
LOVELADY,

On the Part of the Senate;

RAMSEY,
PROFFER,
DAVIS
HUMPHREY,
KIRBY,

On the Part of the House.

A BILL

To Be Entitled

"An Act amending Article 2889a of the Revised Civil Statutes of 1925, relating to the issuance of special certificates; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 2889a of the Revised Civil Statutes of 1925 be amended so as to hereafter read as follows:

"Article 2889a. Special certificate.

"(1) Any person who for four years or more has been the holder of a State first grade certificate or its equivalent, and who can furnish evidence of successful experience in teaching in the public schools of Texas for six or more sessions subsequent to September 1, 1910, shall be entitled to receive a State first grade certificate or its equivalent valid for three years. The provisions of sub-paragraph (1), Section 1, of this Act, and sub-paragraph (1) of Section 1 only, shall expire and be of

no further force and effect after September 1, 1945.

"(2) Any person who has been engaged in teaching a special subject in the public school for a period of four years, and who has been employed to teach the said subject during the last three years prior to September 1, 1925, shall be exempt from the requirement to hold a teacher's special certificate so long as she or he continues to be employed to teach the same subjects; provided that any person who has been engaged in the teaching of music, or writing and drawing in the public schools of Texas for ten years shall be exempt from the present law and be given a life certificate in that subject.

"(3) Any teacher who applies for a Texas teachers' certificate on credentials from another State may be granted by the State Superintendent an emergency certificate valid for four months, while the record is being completed, prior to determining the kind and class of certificate, if any to be issued to the applicant. The applicant shall be required to pay the same fee for the issuance of an emergency certificate as is required by law to be paid on application for other teacher's certificates.

"(4) Any person who is employed to teach any trade or industry in the public schools may, upon application to the State Superintendent, signed by the majority of the board of trustees of the school desiring his services, be issued a temporary permit to teach said trade without being required to hold the special certificate prescribed by law; provided that no permit may be granted for a longer term than two years and provided further that the fee for issuing said permit shall be the same as is required by law for the issuance of teacher's certificates.

"Sec. 2. The provisions of this Act are cumulative of the laws now in force regulating the issuance of teacher's certificates and all laws and parts of laws in conflict with the provisions expressed herein are hereby repealed."

Sec. 3. The fact that the present Act provides for a teacher to have been a holder of a first grade certificate for six years or more, creates an emergency and an imperative public necessity that the constitu-

tional rule, requiring bills to be read on three several days, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

House Concurrent Resolution 158

On motion of Senator Lovelady, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 158, Suspending Joint Rule No. 9, to permit passage of H. B. No. 677 during the last 24 hours of the session.

The resolution was read and was adopted.

House Bill 677 on Second Reading

On motion of Senator Lovelady, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 677, A bill to be entitled "An Act to amend Subsection 6 of Article 7047, Revised Civil Statutes of Texas, 1925, as heretofore amended, to reduce the annual occupation tax of Twenty-five (\$25) Dollars per year to be collected from every Auctioneer to Ten (\$10) Dollars per year; to amend Subsection 7 of Article 7047, as heretofore amended, so as to provide for an annual occupation tax of Ten (\$10)

Dollars per year to be collected from every 'broker' or 'factor,' defining same, including brokers and factors of all classes, and exempting certain salesmen, and certain other persons; repealing Subsection 8 of Article 7047, as heretofore amended, relating to cotton brokers, and cotton factors, and including such brokers and factors in Subsection 7 of such Article; to amend Subsection 10, of Article 7047, as heretofore amended, so as to provide in Subdivision (a) thereof an occupation tax of Ten (\$10) Dollars per year to be collected from every 'insurance adjuster,' defining same, and so as to provide in Subsection (b) thereof an occupation tax of Twenty-five (\$25) Dollars per year to be collected from every 'General Agent,' and defining same so as to include every general agent of any insurance company in this State; repealing Subsection 11 of Article 7047, relating to lightning rod agents; repealing Subsection 12 of Article 7047, as heretofore amended, relating to merchandise brokers and commission merchants and including such brokers and merchants in Subsection 7 of such Article, repealing Subsection 20 of Article 7047, relating to ice dealers; to amend Subsection 25 of Article 7047, as heretofore amended, so as to provide in Subdivision (b) thereof for a quarterly occupation tax of Fifty (\$50) Dollars to be collected from every carnival showing or exhibiting in this State; to amend Subsection 31 of Article 7047, as heretofore amended, so as to provide for the collection of an occupation tax of Ten (\$10) Dollars a day from every rodeo exhibition in which performers receive wages, salaries, or other remuneration other than prizes awarded to winning contestants; to amend Subsection 35 of Article 7047, as heretofore amended, so as to reduce the annual occupation tax on persons owning or operating a shooting gallery to Fifteen (\$15) Dollars; to amend Subsection 36 of Article 7047, so as to provide for the collection from every person owning or operating for profit every nine or ten pin or other alley an annual occupation tax of Ten (\$10) Dollars for each track or alley not to exceed One Hundred (\$100) Dollars; and repealing H. B. No. 20, Chapter 220, of the General Laws of the Regular

Session of the Fortieth Legislature; providing that this Act or any portion of this Act shall not levy or be construed as levying any tax on any new occupation or occupations or be construed as levying any increased and/or additional tax of any kind or character whatsoever upon any person, firm, partnership, association and/or corporation; providing that this Act shall not affect taxes, license fees, interest and penalty now due and owing to this State; preserving for the State all obligations, taxes, penalties and interest which have accrued by virtue of any Subsection which is amended or repealed by this Act, providing that offenses committed and prosecutions commenced under any pre-existing Subsection may be prosecuted under the law as it existed at the time of the commission of the offense; containing a severability provision; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Lovelady offered the following (committee) amendment to the bill:

Amending H. B. No. 677 by adding a new Section to be known as Section 12A, to read as follows:

"Section : Article 7059, Revised Civil Statutes of 1925, is hereby amended to hereafter read as follows:

"Article 7059. Telegraph companies.—

"(1) Each individual, company, corporation, or association owning, operating, controlling or managing any telegraph lines in this State, or owning, operating, controlling or managing what is known as wireless telegraph stations, for the transmission of messages or areograms and charging for the transmission of such messages or aerograms, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller under oath of the individual, or of the president, treasurer or superintendent of such companies, corporations or associations, showing the gross amount received from all business within this State during the preceding quarter, in the payment of telegraphic or

aerographic charges, including the amount received on full rate messages and aerograms and half rate messages and areograms, and from the lease or use of any wires or equipment within the State during said quarter, excepting all business transacted for and on behalf of the agencies of the United States Government for which rates are prescribed by the Postmaster General. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date equal to one and one half ($1\frac{1}{2}$) per cent of the gross receipts, as shown by said report, received from doing business outside of incorporated cities and towns and within incorporated cities and towns of less than two thousand, five hundred (2,500) inhabitants, according to the last preceding Federal Census; and occupation tax for the quarter beginning on said date, equal to one and three-fourths ($1\frac{3}{4}$) per cent of said gross receipts, as shown by said report, received from doing business within incorporated cities and towns of more than two thousand, five hundred (2,500) inhabitants, and not more than ten thousand (10,000) inhabitants, according to the last preceding Federal Census; an occupation tax for the quarter beginning on said date, equal to two and two hundred seventy-five thousandths (2.275) per cent of said gross receipts, as shown by said report, received from doing business within incorporated cities and towns of more than ten thousand (10,000) inhabitants, according to the last preceding Federal Census.

"(2) No city or other political subdivision of this State, by virtue of its taxing power, police power, or otherwise, shall impose an occupation tax or charge of any sort, for the privilege of doing business, upon any person, corporation, or association required to pay an occupation tax under this Article; provided, that nothing in this Article shall be construed to prohibit the collection of ad valorem taxes as provided or not prohibited by law, or any tax now imposed by franchise, and provided further that this Article shall not affect any contract now in existence or hereafter made between a city and the holder of a franchise."

The (committee) amendment was lost by the following vote:

Yeas—10

Aikin	Hazlewood
Brownlee	Martin
Bullock	Stone
Cotten	Weinert
Graves	Winfield

Nays—12

Beck	Moffett
Chadick	Moore
Jones	Ramsey
Lane	Sulak
Lovelady	Vick
Mauritz	York

Absent

Lanning	Morris
Metcalf	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The bill then was passed to third reading.

House Bill 677 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 677 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Martin
Beck	Mauritz
Brownlee	Moffett
Bullock	Moore
Chadick	Ramsey
Cotten	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lovelady	York

Absent

Lanning	Morris
Metcalf	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Martin
Beck	Mauritz
Brownlee	Moffett
Bullock	Ramsey
Chadick	Stone
Cotten	Sulak
Graves	Vick
Hazlewood	Weinert
Jones	Winfield
Lane	York
Lovelady	

Nays—1

Moore

Absent

Lanning	Morris
Metcalfe	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

Communication from Board of Public Welfare

The following communication was received and was read to the Senate and referred to the Committee on Nominations of the Governor:

STATE DEPARTMENT OF PUBLIC WELFARE

May 11, 1943.

Hon. John Lee Smith, Lieutenant Governor, and the Texas State Senate, Austin, Texas.

Gentlemen: The Board of Public Welfare submits the name of Mr. L. C. Procter, 708 W. 28th Street, Austin, Texas, for confirmation as Executive Director of the State Department of Public Welfare.

Respectfully yours,

(Signed)

MARVIN LEONARD,
Chairman;
THOS. H. TAYLOR,
Member.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 157, Providing for the recalling of H. B. No. 390 from the Governor's office.

H. C. R. No. 142, Granting Mrs. Ina Fae Barrington and her two children permission to sue the State and the Highway Department.

H. C. R. No. 153, Suspending all Joint Rules of the House and Senate in order that the Senate might take up and consider H. B. Nos. 622, 763, and 46.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 319 with House Amendments

Senator Mauritz called S. B. No. 319 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Mauritz moved that the Senate concur in the House amendments.

(President in the Chair.)

The motion to concur prevailed.

Senate Bill 311 with House Amendments

Senator Stone called S. B. No. 311 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Stone moved the Senate concur in the House amendments.

Question—Shall the motion to concur prevail?

Pending consideration of the motion, the President announced that pursuant to an agreement by the Members of the Senate further consideration of the motion to concur was not in order.

**Report of Conference Committee on
Senate Bill 144**

Senator Lanning submitted the following report:

May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Hon. Price Daniel, Speaker of the House of Representatives.

Sirs: We, the Members of your Conference Committee appointed to adjust the differences between the Senate and the House on S. B. No. 144, have met and recommend that S. B. No. 144 be passed in the form attached hereto.

LANNING,
METCALFE,
MOORE,
LOVELADY,
AIKIN,

On the Part of the Senate;

PROFFER,
HUFFMAN,
BURKETT,

On the Part of the House.

**A BILL
To Be Entitled**

"An Act providing for placing portions of certain special funds in the General Revenue Fund of the State of Texas and especially transferring a portion of the surplus from the Operator's and Chauffeur's License Fund to the General Revenue Fund of the State of Texas and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Section 15 of Article 3 of House Bill No. 20, Acts of the Regular Session of the 47th Legislature, is amended hereby so as to read hereafter as follows:

"Section 15. Disposition of Fees.

"All fees and charges required by this Act and collected by any officer or agent of the Department shall be remitted without deduction on Monday of each week to the Department at Austin, Texas, and all such fees so collected shall be deposited in the State Treasury in a fund to be known as the 'Operator's and Chauffeur's License Fund.'

"On September 1, 1943, and on September 1st of each and every year thereafter, all over Seventy-five Thousand (\$75,000.00) Dollars of the re-

maining balance in such Operator's and Chauffeur's License Fund shall be transferred to and become a part of the General Revenue Fund of the State of Texas."

Sec. 2. On September 1st of each year, there shall be transferred from each of the following special funds into the General Revenue Fund that portion of the unexpended balance in each such fund which exceeds an amount equivalent to the receipts deposited to the credit of such special fund during the preceding fiscal year:

Gas Utilities Fund
Securities Act Fund
Liquefied Petroleum Gas Fund
Real Estate License Fund
Recording Agents Fund.
Vending Machine Tax Enforcement Fund
Vital Statistics Fund
Special Game Fund
Sand, Shell and Gravel Fund
Fish Propagation and Protection Fund
Board of Cosmetology Fund
Motor Vehicle Insurance Fund
Fire Insurance Division Fund
Insurance Examination Fund
Insurance Agents' License Fund
Mutual Assessment Insurance Fund
Insurance Fees Fund

Such funds, when transferred, shall become and be a part of the General Revenue Fund for all purposes.

Sec. 3. If the foregoing provisions shall be invalid as they may apply to any special fund, the Legislature hereby declares that it would nevertheless have provided for the transfers from the other special funds named herein.

Sec. 4. The fact that it is an unsound practice to leave huge surpluses in Special Funds while the General Revenue Fund of the State of Texas shows a deficit creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and that this Act take effect on and after September 1, 1943, and such rule is hereby suspended, and this Act take effect and be in force on September 1, 1943, and it is so enacted.

The report was adopted.

**Report of Conference Committee on
House Bill 219**

Senator Aikin submitted the following report:

Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of the Senate,

Hon. Price Daniel, Speaker of the House.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on H. B. No. 219, have met and beg leave to recommend that said H. B. No. 219 be passed in the form hereto attached.

Respectfully submitted,

AIKIN,
LOVELADY,
SHIVERS,
METCALFE,
WEINERT,

On the Part of the Senate;

MANNING,
HALSEY,
SADLER,
RHODES,
WALTERS,

On the Part of the House.

By Manning: H. B. No. 219

A BILL

To Be Entitled

"An Act appropriating the sum of One Million One Hundred Ninety-nine Thousand and Fifty-five Hundred and 58/100 (\$1,199,055.58) Dollars per year or so much thereof as may be necessary, for the next bien-nium beginning September 1, 1943, and ending August 31, 1945, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, vocational rehabilitation and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations, and limitations relative thereto; making various allocations of said appropriations; authorizing aid to schools in accordance with the conditions specified herein; providing all costs of administering funds named

in this Act shall be paid out of moneys appropriated in this Act under the authority of the State Superintendent of Public Instruction, who is the Executive Officer of the State Board for Vocational Education, under the direction of the State Board for Vocational Education; providing for acceptance and disbursement of all Federal moneys as may be made available to the State Board for Vocational Education in accordance with plans acceptable to the Federal agency in charge of such funds; defining the powers of the State Board for Vocational Education and the State Superintendent who is the Executive Officer; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. For the purpose of promoting public school interests and matching Federal funds, there is hereby appropriated out of the General Revenue Fund One Million One Hundred Ninety-nine Thousand Fifty-five and 58/100 (\$1,199,055.58) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1944, and One Million One Hundred Ninety-nine Thousand Fifty-five and 58/100 (\$1,199,055.58) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1945, to be allotted and expended by the State Superintendent of Public Instruction under the direction of the State Board for Vocational Education.

Sec. 2. The funds appropriated in this Act shall be expended in accordance with all Federal laws and regulations governing vocational education, providing that in schools where equalization funds are received, vocational agriculture, home-making, and trades and industries shall comply with such regulations as set forth in the Equalization bill.

Sec. 3. Provided that vocational agriculture, home economics and trades and industries teachers may be paid for twelve (12) months where the superintendent of the school in which they are employed has certified to the State Superintendent of Public Instruction that such teacher is actually engaged in teaching this work twelve (12) months.

Sec. 4. The State Board for Vocational Education, through its Executive Officer, the State Superintendent, is hereby authorized to receive and disburse in accordance with plans acceptable to the responsible Federal Agency, all Federal moneys that are made available to the State of Texas for such purposes as training personnel for National Defense Industries, and for such other activities as come under the authority of the State Board for Vocational Education.

Sec. 5. There is hereby allocated and set aside the following amounts for the purposes indicated below:

Vocational Agriculture: Three Hundred Eighty-five Thousand, Four Hundred Fifty-five Dollars	\$385,425.00
Vocational Home Econom- ics: Two Hundred Ninety- six Thousand, Seven Hun- dred Fifty-six and 58/100 Dollars	296,756.58
Trades and Industries: Two Hundred Thousand Dol- lars	200,000.00
Vocational Rehabilitation: One Hundred Fifty-four Thousand, Three Hundred Seventy-four Dollars.....	154,374.00
Rehabilitation for Crippled Children: One Hundred Sixty-two Thousand, Five Hundred Dollars.....	162,500.00

Provided unexpended balances remaining in the funds herein appropriated for vocational services may be reallocated with the consent of each of the directors and with the approval of the State Superintendent of Public Instruction.

The proper officer or officers of any State Departments, bureaus, or divisions of State agencies are hereby authorized to make application for and accept any gifts, grants, or allotments or funds from the United States government to be used on State cooperative and other Federal projects and programs in Texas, including construction of public buildings, repairs and improvements. Any of such Federal funds as may be deposited in the State Treasury are hereby appropriated to the specific purpose authorized by the Federal Government, and subject to the limitation placed on this Act.

Sec. 6. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 7. The fact that many schools in this State are desirous of having the services of vocational teachers mentioned in this Act, and the further fact that if the schools receive such services it is absolutely necessary that this appropriation be passed, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 154, Suspending Joint Rule No. 9 to the extent that the House may be permitted to pass S. B. No. 301.

H. C. R. No. 155, Suspending Joint Rule No. 9.

H. C. R. No. 162, Suspending Joint Rule No. 9 to reconsider H. B. No. 754.

H. C. R. No. 164, Suspending Joint Rules to permit passage of H. B. No. 462 and H. B. No. 742.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 157

On motion of Senator Beck, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 157, Recalling H. B. No. 390 from the Governor.

The President laid the resolution before the Senate, and it was read and was adopted.

Senate Resolution 104

Senator Beck, by unanimous consent, offered at this time the following resolution:

Whereas, H. B. No. 390 has been recalled from the Governor's office in

order that a record vote on final passage of same in the Senate may be shown on the bill; therefore, be it

Resolved, That the Senate request the House to return H. B. No. 390 to the Senate, in order that this vote may be placed upon said bill.

The resolution was read; and on motion of Senator Beck, and by unanimous consent, it was considered immediately, and was adopted.

Report of Conference Committee on Senate Bill 89

Senator Morris submitted the following report:

Committee Room,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate,

Hon. Price Daniel, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on S. B. No. 89, have met and considered said bill, and recommend that it do pass in the form and text as attached hereto.

Respectfully submitted,

MORRIS,
MAURITZ,
LANNING,
WEINERT,

On the Part of the Senate;

GILMER,
CHESSHER,
FLEWELLEN,
MANFORD,

On the Part of the House.

By Senator Morris: S. B. No. 89

A BILL

To Be Entitled

"An Act amending Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended; declaring the policy of the State with reference to building, maintaining, and financing State designated roads; declaring the policy of the State with reference to the construction of roads which are ancillary to but are not State designated highways; defining certain terms used throughout the Act; continuing the Board of County and District Road Indebtedness and prescribing the powers, duties and ob-

ligations of said Board; allocating revenue obtained from the occupation tax on the business of selling gasoline; continuing the County and Road District Highway Fund and the Lateral Road Account; designating the money to be placed in said funds and prescribing the manner and purposes for which such funds shall be expended; authorizing the payment out of the County and Road District Highway Fund of certain bonds and warrants issued by counties and defined road districts where the proceeds thereof were used in the construction of roads comprising the State System of Highways; providing for the payment of certain bonds and warrants issued by counties or defined road districts where the proceeds thereof may hereafter be expended in the construction of roads constituting a part of the System of State Highways, and prescribing further conditions under which bonds or warrants may become eligible for participation; providing for the division of the surplus, as defined in this Act, remaining in the County and Road District Highway Fund; providing for the allocation of funds credited to the Lateral Road Account to the several counties; prescribing the duties of commissioners courts in expending Lateral Road Funds; providing a penalty for falsifying any report or certificate required to be made under this Act with respect to the use of Lateral Road Funds; providing for refunding certain county and road district obligations and bonds; providing for the disposition of sinking funds on county and road district bonds issued to build State highways; making an appropriation for the biennium beginning September 1, 1943, and ending August 31, 1945, of moneys coming into the County and Road District Highway Fund; providing for the handling of county and road district sinking funds accumulated for the payment of certain road bonds and warrants; providing for the payment of certain Navigation District Bonds; making it a felony for any County Judge or county commissioner to expend money coming into the Lateral Road Account contrary to the provisions of this Act; making a supplemental appropriation to the Board for administration of this Act; providing that this Act shall be cumulative of all

other valid laws on the subject and in the event of conflict the provisions of this Act shall prevail; providing that if any Section of this Act is held unconstitutional other portions shall not be affected thereby; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as heretofore amended, be amended, so as to be and read as follows:

"Section 1. It is expressly recognized and declared that all highways now or heretofore constituting a part of the system of State highways and that all roads not constituting a part of such system, which have been constructed in whole or in part from the proceeds of bonds, warrants, or other evidence of indebtedness issued by counties of the State of Texas, or by defined road districts of the State of Texas, under the laws authorizing the same, have been and are and will continue to be beneficial to the State of Texas at large, and have contributed to the general welfare, settlement, and development of the entire State, and that, by reason of the foregoing, a heavy and undue burden was placed, and still rests, upon the counties and defined road districts and their inhabitants, and both a legal and moral obligation rests upon the State to compensate and reimburse such counties and defined road districts which, as aforesaid, have performed functions resting upon the State, and have paid expenses which were and are properly State expenses; all for the use and benefit of the State, and to the extent provided herein that the State provide funds for the further construction of roads not designated as a part of the State Highway System.

"Having heretofore, by an Act of the Legislature (Chapter 13, Acts of the Third Called Session of the Forty-second Legislature in 1932), taken over, acquired, and purchased the interest and equities of the various counties and defined road districts in and to the highways constituting a part of the system of the designated State highways, it is further declared to be the policy of the State to take over, acquire, purchase, and

retain the interest and equities of the various counties and defined road districts in and to the highways, not previously taken over, acquired, and purchased and constituting on January 2, 1939, a part of the system of designated State highways, and to acquire and purchase the interest and equities of the various counties and defined road districts in and to the roads not constituting a part of the system of designated State highways as of January 2, 1939, and under the provisions of this Act to acquire such interest and equities in such roads hereafter to be constructed with money furnished by the State, and to reimburse said counties and districts therefor, and to provide for the acquisition, establishment, construction, extension and development of the system of designated State highways of Texas, from some source of income other than the revenues derived from ad valorem taxes, it being expressly provided herein that the State is not assuming, and has not assumed, any obligation for the construction, extension, and development of any of the highways thus acquired and purchased which do not constitute a part of the system of designated State highways. And it is hereby determined that the further provisions of this Act constitute fair, just, and equitable compensation, repayment, and reimbursement to said counties and defined districts and for their aid and assistance to the State in the construction of State highways and for the construction of said roads which are ancillary to, but do not constitute a part of said System of State Highways, and fully discharges the legally implied obligations of the State to compensate, repay, and reimburse the agencies of the State for expenses incurred at the instance and solicitation of the State, as well as for expenses incurred for the benefit of the State, and fully discharges the State's legally implied obligation to such counties and defined road districts to provide additional funds for the further construction of roads not designated as a part of the State Highway System.

"Sec. 2. By the expression, 'defined road districts' or 'road districts' or 'districts' used in this Act, is meant any defined road district of the State or any Justice or Commissioners Precinct acting as a road dis-

trict or any road district located in one or more than one county.

"By the expression 'roads' or 'road' as used in this Act, is meant roads, road beds, bridges, and culverts.

"By the expression 'highways,' 'State highways' and 'State designated highways' are meant roads which prior to January 2, 1939, had become a part of the System of designated State highways, including roads still constituting a part of such system on said date and those which theretofore constituted a part of such system, but whose status had been lost through change, relocation or abandonment and including roads concerning which the State Highway Commission had prior to January 2, 1939, indicated its intention to designate, evidencing such intention in the official records of files.

"All roads which prior to January 2, 1941, had not become a part of the system of State designated highways, for convenience in this Act, are called 'lateral roads.'

"The term 'Board' as used in this Act, when the contrary is not clearly indicated, shall mean the 'Board of County and District Road Indebtedness.'

"The term 'fund' as used in this Act, when the contrary is not clearly indicated, shall mean the 'County and Road District Highway Fund.'

"The expression 'eligible obligations' as used in this Act shall mean obligations, the proceeds of which were actually expended on State designated highways.

"Sec. 3. All further improvement of said State Highway System shall be made under the exclusive and direct control of the State Highway Department and with appropriations made by the Legislature out of the State Highway Fund. Surveys, plans and specifications and estimates for all further construction and improvement of said system shall be made, prepared and paid for by the State Highway Department. No further improvement of said system shall be made with the aid of or with any moneys furnished by the counties except the acquisition of right of ways which may be furnished by the counties, their subdivisions or defined road districts. But this shall in no wise affect the carrying out of any

binding contracts now existing between the State Highway Department and the commissioners court of any county, for such county, or for any defined road district. In the development of the System of State Highways and the maintenance thereof, the State Highway Commission shall from funds available to the State Highway Department, provide:

"(a) For the efficient maintenance of all highways comprising the State System.

"(b) For the construction, in cooperation with the Federal Government to the extent of Federal Aid to the State, of highways of durable type of the greatest public necessity.

"(c) For the construction of highways, perfecting and extending a correlated system of State highways, independently from State funds.

"Sec. 4. All moneys now or hereafter deposited in the State Treasury to the credit of the 'State Highway Fund' including all Federal Aid money deposited to the credit of said Fund under the term of the Federal Aid Highway Act, shall be subject to appropriation by the Legislature for the specific purpose of the improvement of said System of State Highways by the State Highway Department.

"Sec. 5. Each month the Comptroller of Public Accounts after computing and ascertaining the maximum amount of refunds that may be due by the State on the business of selling gasoline, as provided in Section 17, Chapter 88, General Laws, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 104, General Laws, Acts of the Regular Session of the Forty-second Legislature, shall deduct same from the total occupation or excise tax paid on the business of selling gasoline, as imposed by Section 17, Chapter 98, General Laws, Acts of the Regular Session of the Forty-second Legislature, as amended, and beginning with said taxes collected on or after October 1, 1932, shall, after deducting the said maximum amount of refunds, allocate and place the remainder of said occupation or excise tax on the business of selling gasoline, in the State Treasury as provided by law, in the proportion as follows: one-fourth (1/4)

of such occupation or excise tax shall go to, and be placed to the credit of, the Available Free School Fund; one-fourth (1/4) of the same shall go to, and be placed to the credit of a fund to be known as the 'County and Road District Highway Fund,' subject to the provisions and limitations of Section 3 of this Act; the remainder of such occupation or excise tax shall go to, and be placed to the credit of the State Highway Fund, for the construction and maintenance of the public roads of the State, constituting and comprising the System of State Highways of Texas, as designated by the State Highway Commission of Texas.

"Sec. 6. (a) All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of this State, which mature on or after January 1, 1933, in so far as amounts of some were issued for and proceeds have been actually expended in the construction of roads that constituted and comprised a part of the system of designated State Highways on September 17, 1932, or which subsequent to such date and prior to January 2, 1939, have been designated a part of the System of State Highways or any road that heretofore had constituted a part of said System and which has been or may be changed, relocated or abandoned, whether said indebtedness is now evidenced by the obligation originally issued or by refunding obligations or both, shall be eligible to participate in the distribution of the moneys coming into said County and Road District Highway Fund, subject to the provisions of this Act; provided, that such indebtedness, the proceeds of which have been expended in the construction of roads which have been designated as a part of the State Highway System after September 17, 1932, and prior to January 2, 1939, shall participate in said County and Road District Highway Fund as of the date of the designation of said road as a part of the State system; provided further that any participation in said fund by any county or defined road district shall be less the amount of money which it was required to accumulate in the sinking fund under the provisions of the statutes and order of the commissioners court authorizing the is-

sue of said eligible obligations, and the tax levy authorized at the time of issuance thereof for the time such obligations have run or may have run, regardless of whether the full amount of said fund is, or may be, actually on hand and to the credit of the sinking funds of such county or defined road district. It is provided expressly in this connection that the term 'sinking funds' shall include only those funds required under the law for the retirement of principal and interest, and shall not include any excess or surplus which may have been accumulated by any county or defined road district above the legal requirements. The amount of such eligible indebtedness shall be determined as hereinafter provided. Provided further, that no State funds created or provided for by the terms of this Act shall be expended in the payment of any interest maturing on the amount of sinking funds required by the terms of this Act to be accumulated by the county or defined road district at the date of eligibility of its obligations.

"In the event that State Highway Commission has, on a date prior to January 2, 1939, recorded a conditional designation, and all conditions precedent to the official designation thereof have been met or performed in a manner satisfactory and acceptable to the Highway Commission, and the Highway Commission officially enters of record its acceptance and designation of such road as a part of the State Highway System for maintenance, then the provisions of this Act shall apply as if the said roads had been actually designated prior to January 2, 1939.

"All bonds, warrants or other legal evidence of indebtedness outstanding as of the date of the designation hereinafter referred to, and issued by a county or defined road district prior to January 2, 1939, in so far as amounts of same were issued and the proceeds actually expended in the construction of roads that have been officially designated as a part of the State Highway System subsequent to January 2, 1939, shall be eligible to participate in the distribution of the moneys coming into said County and Road District Highway Fund as of the date of designation of said road as a part of the State Highway System. The amount of such bonds,

warrants, or other legal evidences of indebtedness outstanding as of the date of designation of such road as a part of the State Highway System, shall be eligible for participation in the same manner as provided for other bonds under this Act.

"In addition to and regardless of the other provisions of this Act, all bonds, warrants or other legal evidences of indebtedness voted, or issued without being voted by a county, road district or defined road district prior to January 2, 1939, in so far as amounts of same were or may be issued and the proceeds actually expended in the construction of roads which are now a part of the designated System of State Highways or which have since, or which may hereafter become a part of the designated System of State Highways, shall be eligible to participate in the distribution of the moneys coming into said County and Road District Highway Fund the same as provided for other bonds under this Act, and as of the date of the designation of said road as a part of the State Highway System; and where such bonds or warrants were voted prior to January 2, 1939, and prior to the designation of the road as a State highway and which have not yet been issued or expended, the county or defined road district may issue such bonds or warrants or other legal evidence of indebtedness and place the proceeds in escrow with the State Highway Commission for the construction of such road under plans, contracts, specifications and supervision of the State Highway Department, and when so expended the bonds, warrants, or other evidences of indebtedness shall be eligible to participate in the County and Road District Highways Fund the same as if the bonds had been issued and expended prior to January 2, 1939. Provided, further, that all such bonds or warrants to be hereafter sold pursuant to this paragraph by a county or defined road district which will be eligible for participation in the County and Road District Highway Fund under the provisions of this Section, shall be sold subject to the approval of the Board of County and District Road Indebtedness, as to amounts, maturities and interest rates.

"(b) The Board of County and District Road Indebtedness, created

by Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, consisting of the State Highway Engineer, State Comptroller of Public Accounts, and State Treasurer, is hereby continued and charged with the duties of administering this Act. The State Comptroller of Public Accounts shall be the Secretary of said Board and said Board shall elect its own chairman from its membership. The Board shall adopt its own rules consistent with this Act for the proceedings held hereunder, and shall have authority to call to its assistance, in arriving at the amount of bonds, warrants or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund, any official or employee of this State, and shall avail itself of all data and information assembled in the administration of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and said Board is hereby authorized to call on any County Judge or any County or State official or employee, and shall have full access to all the records, books, and public documents for the purpose of obtaining any information which it may deem necessary and pertinent to its inquiry in arriving at the amount of bonds, warrants, or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund.

"(c) It shall be the duty of the Board of County and District Road Indebtedness, from the data and information furnished by the County Judges of the State, and by the Chairman of the State Highway Commission and by the State Comptroller of Public Accounts, and from such further investigation as said Board may deem necessary to ascertain and determine the amount of indebtedness eligible under the provisions of this Section of this Act to participate in the moneys coming into said County and Road District Highway Fund. Whenever, in the case of any particular issue of obligations, the proceeds thereof shall have been expended partly on designated State highways, or highways heretofore constituting designated State highways, and partly on roads which never have been designated State highways, said Board shall ascertain and determine the amount of said obligations, the

proceeds of which were actually expended on State highways or on roads heretofore constituting State highways, and said obligations to said amount and extent shall be eligible for participation in the moneys coming into the County and Road District Highway Fund; and said ascertainment and determination shall be certified to the County Judge by said Board and all of the unmatured outstanding obligations of said issue shall ratably have the benefit of said participation in said moneys. The ascertainment and determination by the Board of County and District Road Indebtedness, after reasonable notice and hearing, of the amount of any county or defined road district obligations eligible under the provisions of this Act to participate in any moneys coming into the County and Road District Highway Fund, or as to the amount of any obligations the proceeds of which were actually expended on State highways, or on roads heretofore constituting State highways, shall be final and conclusive and shall not be subject to review in any other tribunal. But said Board of County and District Road Indebtedness shall have the right at any time to correct any errors or mistakes it may have made.

"(d) The Board shall make and keep a record of all county and defined road district eligible obligations, issue by issue, and a book shall be prepared and kept in which shall be recorded all eligible issues, maturity dates of principal and interest, rates of interest, and places of payment for each county and each defined road district. Each issue and the date pertaining to same shall be listed separately. The Board shall keep a record of all vouchers issued.

"(e) The State Treasurer shall keep a separate account for each county and defined road district of any moneys received for the credit of said county or defined road district pursuant to the provisions hereof.

"(f) A list shall be compiled by the Board of County and District Road Indebtedness showing the amount ascertained and determined by it to be eligible indebtedness of each county and defined road district, and a copy thereof shall be furnished to each County Judge in this State.

"(g) From year to year, and not later than July 15th of each year, said Board shall ascertain and determine the sum necessary to pay the interest, principal and sinking fund requirements on all eligible obligations for the next succeeding calendar year, and shall estimate the sum which shall be applicable to the same, and shall not later than August 1st of each year, give notice to the County Judge of each county of the estimated amount available for application to said interest, principal, and sinking fund requirements. In the event the amount so estimated to be applied to the payment of eligible obligations for any county or defined road district is sufficient to meet all maturing interest, principal, and sinking fund requirements, the commissioners court may dispense with the collection of ad valorem levies for such calendar and/or fiscal year for such interest, principal, or sinking fund requirements. In the event the amount of payments so estimated to be applied is not sufficient to meet the maturing interest, principal, and sinking fund requirements, the County Commissioners Court shall collect from taxes on the property in said respective counties and defined road districts, an amount of money equal to the difference between the amount of such requirements and the amount available for application. In this connection it is declared to be the intent of the Legislature that all contractual duties and obligations which may exist between any county and/or defined road district and the owner or holder of the present outstanding indebtedness of any county and/or defined road district, shall not be in any manner disturbed or impaired and shall remain inviolate. Any tax heretofore provided to be levied in support of any present outstanding indebtedness affected by the provisions of this Act shall continue to be assessed, levied, and collected as originally provided; however, the collection of said tax may, by order of the commissioners court, be lessened and reduced by the payments made, and to be made, thereon and in behalf of such indebtedness out of the County and Road District Highway Fund, as herein provided, and as succeeding Legislatures shall, by appropriation, make provisions therefor. The entire proceeds of all taxes

collected on any eligible issue of bonds shall be remitted by the County Treasurer of each county collecting the same, together with a statement of the amount collected, to the State Treasurer, and shall be held by the State Treasurer as ex-officio Treasurer of said county or defined road district for the benefit of the county or defined road district remitting the same, and be disbursed to meet the interest, principal, and sinking fund requirements on the eligible obligations of said county or defined road district.

"In the event the amount of funds available to be applied to meet the maturing interest, principal, and sinking fund requirements in any calendar or fiscal year is not sufficient to satisfy such requirements, the moneys available in the County and Road District Highway Fund, as estimated and determined by the Board, shall be, for that calendar or fiscal year first applied to the payment and satisfaction of interest maturing on all eligible obligations during the particular calendar and/or fiscal year, and this payment is to be made ratably upon the interest on eligible obligations of the various counties or defined road districts; and if there is more of said moneys available than necessary to pay all of said interest, then such balance over the required interest payment for such year shall be distributed ratably to each issue of eligible obligations on the basis of the principal of eligible obligations and sinking fund requirements thereon maturing each year.

"(h) On September 1st of each year after the Board has paid off and discharged all eligible obligations maturing during the preceding fiscal year, together with the interest on such obligations and the sinking fund requirements accruing thereon out of the County and Road District Highway Fund, any surplus remaining in said fund over and above Three Million (\$3,000,000.00) Dollars shall be set aside and credited by the State Treasurer to the respective funds hereinafter named as follows: One-half (1/2) of said surplus shall be transferred to the State Highway Fund, and one-half (1/2) shall be credited to an account to be known as the 'Lateral Road Account' to be

distributed and expended as herein-after provided.

"As soon as practicable after the passage of this Act and before the Lateral Road Account is allocated to the counties, the Board shall determine the amount each county and each defined road district has paid since January 1, 1933, under the provisions of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended, toward its debt service upon bonds which at the time of payment were eligible to participate in the County and Road District Highway Fund, and shall deduct from the amount paid by such county or defined road district any and all advancements made by the Board to such county or defined road district in adjusting, refunding, or prepaying the eligible obligations of such county or defined road district, and after making such deductions, the Board shall credit the Lateral Road Account of each county or defined road district with the net balance contributed by such county or road district toward the retirement of said eligible obligations and said funds so credited to any county or defined road district may be used or expended by the counties and defined road districts for the purposes authorized in this Section.

"Not later than September 15th of each year the said Board shall ascertain the exact amount of money which has been allocated to the said Lateral Road Account for such fiscal year and which at that time is available. The Board shall allocate to each county its proportionate part of the moneys in said Lateral Road Account, which allocation shall be determined in the following manner:

"(1) One-tenth (1/10) of the money in said account shall be allocated upon the basis of area, determined by the ratio of the area of the county to the total area of the State.

"(2) Two-tenths (2/10) of the moneys in said account shall be allocated on the basis of population according to the last preceding Federal Census, determined by the ratio of the population of the county to the total population of the State.

"(3) Three tenths (3/10) of the moneys in said account shall be allocated upon the basis of the number

of motor vehicles registered during the last preceding registration year, determined by the ratio of the number of such vehicles registered in the county to the total number registered in the State as shown by the official report of the State Highway Department.

"(4) Four-tenths (4/10) of the moneys in said account shall be allocated to the counties on the basis of lateral road mileage, determined by the ratio of the mileage of the lateral roads in the county to the total mileage of the lateral roads in the State as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department.

"If the records of the Highway Department and the State-Federal Highway Planning Survey are such that, in the opinion of the Highway Commission or of any county, there is a reasonable doubt as to their accuracy, the Highway Commission may authorize an independent survey to be made of that county's lateral road mileage upon its own motion or on the application of said county. The expense of such survey shall be borne by the county.

"The moneys allocated to each county from the Lateral Road Account shall be used by said county first for paying the principal, interest, and sinking fund requirements maturing during the fiscal year for which such money was allocated to such county on bonds, warrants, and other legal obligations issued prior to January 2, 1939, the proceeds of which were actually expended in acquiring right of ways for State designated highways, it being the intention of the Legislature to designate and set apart sufficient money to pay off and discharge said outstanding obligations incurred for right of way acquisition. The Board shall require from each county a sworn statement of the outstanding right of way indebtedness incurred on State designated highways, and in the event a false statement is furnished the Board by any county, or where any county fails or refuses to file a report, then such county shall be denied any benefits under this Section; it being the duty of the Board before distributing any funds to any county under this Sec-

tion where such county submits a report that it has no right of way indebtedness, or where said report is vague or indefinite, to audit and determine the correctness of such report. Funds remaining in the Lateral Road Fund of any county, after the payment of said right of way obligations, shall be used by the county for paying the maturing principal, interest, and sinking fund requirements, due by the county in that fiscal year on bonds, warrants, or other evidences of indebtedness which were legally issued by such county or road districts prior to January 2, 1939, the proceeds of which were actually expended in the construction or improvement of lateral county roads. Payment to be made ratably upon the principal and interest on the maturing road bond obligations of said county for such fiscal years. Any funds remaining in the Lateral Road Fund of any county after the payment of said principal, interest, and sinking fund requirements due or maturing in that fiscal year on bonds or warrants which were legally issued by such county or road district prior to January 2, 1939, the proceeds of which were actually expended in the construction or improvement of lateral county roads, may be used by the county under direction of the commissioners court for any one or all of the following purposes: (a) for the acquisition of right of ways for county lateral roads and for the payment of legal obligations incurred therefor prior to January 2, 1939; (b) for the construction or improvement of county lateral roads; (c) for the purpose of supplementing funds appropriated by the United States Government for Works Progress Administration highway construction, and such other grants of Federal funds as may be made available to the counties of this State for county lateral road construction; and (d) for the purposes of cooperating with the State Highway Department and the Federal Government in the construction of farm-to-market roads. Provided that when such funds are used for the construction or improvement of county lateral roads, such construction or improvement shall be made under the supervision of a competent engineer.

"After such allocation has been made to the several counties in the

State the Board shall in writing notify the Chairman of the commissioners court of each county of the amount which has been credited to that county. After receiving said notice, the commissioners court shall, within sixty (60) days, notify the Board of the manner in which it has exercised its option as to the one or more specified uses of said money permitted under this Act.

"Such money shall be applied pro rata to the payment of the debt service requirements of all issues of lateral road indebtedness of the county and all included defined road districts, in the proportion that the debt service requirements of each issue bears to the aggregate debt service requirements of all issues for that year. When any issue of obligations which will receive aid under this Section is already listed with the Board of County and District Road Indebtedness, the Board shall credit the amount applicable to said issue to the account of said issue in the State Treasurer. As to all other issues of obligations, which will receive aid under this Subsection (h), the commissioners court of the specific counties affected shall have the right, if so desired, to utilize the facilities of the State Board of County and District Road Indebtedness in paying the amounts of principal and interest on said issues substantially in the manner that payments are affected as to such eligible obligations.

"In the event that the funds so received by the county from the Lateral Road Account are in excess of the amount required to meet the principal and interest of its maturing road bond obligations for the next fiscal year, the commissioners court, in that event, may elect to use such excess money allocated to it from the Lateral Road Account, and in such event, it shall notify, in writing, the said Board, of its election to make use of said money. Whereupon, said Board shall remit said balance to be utilized for such purpose to the County Treasurer of such county, said money to be deposited by the County Treasurer in accordance with law, and the same shall be utilized by the county, acting through the commissioners court, for the construction of lateral roads. Each county may call upon the State Highway Commission to furnish ade-

quate technical and engineering supervision in making surveys, preparing plans and specifications, preparing project proposals and supervising actual construction. The actual cost of such aid in supervision shall be paid by the county as a charge against its project.

"In order that maximum benefits may be obtained in the expenditures of the State fund made available to the counties under this Act for the construction of county lateral roads, and so that the counties may have the benefit of widespread competition among contractors in bidding on such projects, such counties may, in their discretion, authorize the State Highway Commission to receive bids in Austin on all such construction in the same manner as is now provided by law for the award of contracts on State Highways.

"When any road which shall have been constructed by any county wholly from the County Lateral Road Account shall be designated by the State Highway Commission as a part of the System of Designated State Highways, the designation of such road by the State Highway Commission shall constitute a full and complete discharge of any and all obligations of the State, moral, legal, or implied, for the payment of such highway.

"In the event the commissioners court elects to cooperate with the Highway Department in the building of, or in the construction of, farm-to-market roads, it shall by proper resolution entered upon its minutes, authorize the State Treasurer to pay such funds to be so used, over to the State Highway Department for use on certain designated projects. Regardless of how the funds allocated to the counties from the Lateral Road Account are used, the County Judge of each county shall file with the Board on or before October 1st of each year, a verified report showing the manner in which the said funds have been expended, the nature and location of the roads constructed, and such other information as the Board may from time to time require.

"(i) The County Commissioners court of any county may exercise the authority now conferred by law to issue refunding obligations for the

purpose of refunding any eligible debt of the county or of any defined road district; and such refunding obligations, when validly issued, shall be eligible obligations within the meaning of this Act, if said Board of County and District Road Indebtedness shall approve the maturities of said refunding obligations and the rate of interest borne by them. In any instance where in the opinion of said Board the existing maturities of any issue of eligible obligations or any part thereof are such as to give the county or defined road district which issued them an inequitable or disproportionate participation in the moneys coming into the County and Road District Highway Fund in any particular period, said Board, in its discretion, may require said issue or any part thereof to be refunded into refunding obligations bearing such rate of interest and having such maturities as may be satisfactory to the Board, but in no event at a greater rate of interest than that provided in the original issue. And if said county or defined road district shall fail or refuse to effectuate such refunding within a reasonable time to be fixed by said Board, said obligations so required to be refunded, and all other obligations of said county or defined road district shall cease to be eligible for participation in said County and Road District Highway Fund until the requirements of said Board, with respect to refunding, shall be complied with.

"The Board of County and District Road Indebtedness is hereby made the refunding agent of each county, and as such agent is directed to cooperate with the commissioners court of each county in effecting the necessary refunding of each issue of bonds; the Board shall prepare the necessary refunding orders for the commissioners court, prepare the proceedings and act in an advisory and supervisory capacity to the end that the expense of refunding any issue of bonds may be reduced to the minimum. Provided that no commission, bonus, or premium shall be paid by any county or defined road district for the refunding of such obligations, and no County Treasurer shall receive any commission for handling of the funds derived from the refunding of such obligations. All

actual expense incurred in the refunding of its eligible indebtedness, including cost of proceedings, printing, legal approval and interest adjustment, shall be chargeable against the money theretofore or thereafter collected from ad valorem taxes, or at the option of the commissioners court conducting such refunding, may be paid from any other money under its control and available for the purpose, provided no obligations for such expense items shall be incurred or paid without affirmative approval by said Board.

"(j) All moneys to be deposited to the credit of the County and Road District Highway Fund, from September 1, 1943, to August 31, 1945, both inclusive, are hereby appropriated to said respective counties and defined road districts and shall be received, held, used and applied by the State Treasurer, as ex-officio Treasurer of said respective counties and defined road districts, for the purposes and uses more specifically set forth in this Act, including the payment of principal, interest and sinking fund requirements on all eligible obligations maturing up to and including August 31, 1945. And each year thereafter until all of such eligible obligations are fully paid, all moneys coming into the credit of the County and Road District Highway Fund with the State Treasurer, and all moneys remaining therein from the previous year, shall be received and held by him as ex-officio Treasurer of such counties and defined road districts, and shall first be subject to the appropriation for the payment of interest, principal and sinking funds maturing from time to time on said eligible obligations, and then for the other uses specified and permitted in this Act.

"In the event any county, road district, or defined road district has since September 1, 1941 made any payment on eligible bonds, warrants, or other evidence of eligible indebtedness as defined under the terms of this Act, then such county, road district, or defined road district shall be reimbursed by the Board of County and District Road Indebtedness in the amount of the payment so made on such eligible obligations.

"(k) As payment of principal and/or interest becomes due upon

such eligible obligations, the State Comptroller of Public Accounts shall issue his warrant to the State Treasurer for the payment thereof, and the State Treasurer shall pay the same at his office in Austin, Texas, or by remitting to the bank or trust company or other place of payment designated in the particular obligation. Such warrants or voucher claims shall show on their face that the proceeds of the same are to be applied by the paying agent to the payment of certain specified obligations or interest therein described, by giving the name of the county or defined road district by which they were issued, numbers, amounts, and dates of maturities of the obligations and interest to be paid, with instructions to the State Treasurer, paying agent, bank, or trust company to return to the State Comptroller of Public Accounts such obligations and interest coupons when same are paid; and the State Comptroller of Public Accounts shall, upon receipt of said obligations and coupons, credit same on his records and send them, duly cancelled, to the commissioners court of the appropriate county, which shall cause to be duly entered a record of such cancellation. In instances wherein counties or defined road districts therein shall have arranged with the Board to pay principal or interest thereon, of outstanding lateral road indebtedness, the Board, and the State Comptroller of Public Accounts, and the State Treasurer shall follow, in so far as practicable, the procedure prescribed in this Subsection (k) for the payment of the principal and interest of eligible obligations.

"(1) Expenses necessary to be incurred in the determination of the indebtedness of the counties and defined road districts of the State, and in the discharge of the duties required for the payment of such obligations, shall be paid from the County and Road District Highway Fund by warrant approved by the Chief Accountant, and one other member of said Board, and the State Comptroller of Public Accounts. The compensation of all employees of said Board shall be fixed by the Legislature. All employees of said Board of County and District Road Indebtedness shall be bonded, the amount of such bond being set by the Board.

"(m) All of the securities now on hand in which sinking funds collected for the benefit of outstanding eligible issues are involved, and all funds and securities hereafter acquired for the benefit of the entire outstanding balance of all eligible bond issues, shall be forwarded within thirty (30) days from the effective date of this Act, and thereafter within thirty (30) days of the acquisition of such fund or securities, to the State Treasurer as ex officio County Treasurer of the various counties and defined road districts. Provided that the cash now on hand in the sinking fund created for the benefit of outstanding eligible obligations may also be remitted as above set forth, at the option of such county or defined road district. Any county, the commissioners court of which fails or refuses to comply with the provisions of this Act in all things, including the levy, assessment, and collection of a tax, and at a rate sufficient to pay all sums due or to become due, which the State is unable to pay, or to provide each year the proportionate amount of sinking fund required to redeem its outstanding bonds at their maturity, shall not participate in any of the benefits of this Act so long as such county fails or refuses to comply with provisions thereof. The Board of County and District Road Indebtedness shall have and possess full authority to invest all such sinking funds, including all future sinking funds acquired in any manner whatsoever, in any eligible obligations of the various political subdivisions of this State which mature within the current biennium in which such securities are purchased; and where there is on hand a sufficient amount of moneys or securities to the credit of any one political subdivision to retire some of its outstanding obligations, whether then due or not, the Board of County and District Road Indebtedness may, if it deems it advisable, purchase and cancel said obligations of such particular political subdivision, irrespective of maturity dates. Provided further, that any county which has selected a depository according to law and in which county such depository has qualified by giving surety bonds or by the deposit of adequate securities of the kind provided by law, which in the opinion of the Board of County

and District Road Indebtedness is ample to cover the county deposits, and which county has not defaulted in the payment of any installment of principal and/or interest on any county bonds for a period of five (5) years next preceding the date of the filing of its application for exemption, and in which county all sinking funds of all bond issues are in excess of the standard required by law, and which county has levied for the current tax year adequate rates in support of outstanding bond issues and warrant as required by the Constitution and Statutes of said State, shall be exempt from the provisions of this Subsection (m) of this Act, and which exemption shall be obtained by such county in the manner and under conditions prescribed by the said Board of County and District Road Indebtedness. Said Board shall have the right to inspect the records of such county at any subsequent date to ascertain whether or not the facts warrant the continuation of the exemption. If at any time, in the opinion of the Board, counties that have been granted exemption under the provisions of this Act shall cease to comply with all the conditions under which the exemption has been granted, the Board shall notify the county to return all securities in which the sinking funds of eligible road bond issues are invested, and the residue in said sinking funds, and to begin immediately forwarding taxes levied and collected for the payment of interest and principal on all eligible road bond issues. Said counties whose exemption has been cancelled by said Board shall be given a period of thirty (30) days in which to comply with the demands of the Board. Provided further, that such counties so exempt shall furnish the Board an annual statement of the condition of the sinking funds of the several eligible road bond issues, together with a financial statement of the county depository. The Board shall have the right to withhold the payment of any maturity on any eligible road bond indebtedness where such county has failed or refused to comply with all the provisions of this Act.

"(n) The Board shall keep adequate minutes of its proceedings and semi-annually, within thirty (30) days after February 28th and Au-

gust 31st of each year, shall make itemized reports to each county with respect to the receipt, disbursement, and investment of the funds credited to such county. The commissioners court of any county, and/or its accredited representatives shall have the right to inspect the records of said Board and of the State Treasurer, at any reasonable time, for the purpose of making any investigation or audit of the accounts affecting its county.

"(o) The Board shall, within ninety (90) days after the close of each fiscal year, make a complete accounting for the preceding year to the Governor of this State, showing in such report its act, investments, changes in investments and sinking fund status of each county and each defined road district, and shall file copies of such report with the President of the Senate and with the Speaker of the House of Representatives.

"(p) In the event this Act is repealed, or shall be or become inoperative as to any county or defined road district, then it shall be the duty of the Board to ascertain immediately the amount of moneys and securities remaining on hand with it or with the State Treasurer belonging to the several counties or defined road districts affected, and forthwith to return the same to the County Treasurer of the county entitled thereto, accompanied by an itemized statement of the account of the county or defined road district.

"(q) All funds on hand belonging to, and hereafter credited to, the several counties and defined road districts of the State, shall be considered State funds, and as such shall be deposited at intervals in the depositories provided for by the State laws and all interest earned on such funds and on the securities in which the sinking funds are invested shall belong to said counties or defined road districts, and shall be credited to them by the State Treasurer as earned and collected.

"(r) Upon notice from the Board of the amount that such county or defined road district shall be required to pay toward any installment of interest, or maturing principal, the County Treasurer of such county shall, not later than twenty (20)

days prior to the maturity date of such interest, principal, or sinking fund requirements, forward to the State Treasurer the amount fixed by the Board as being necessary to supplement the amounts previously placed to the credit of any such county or defined road district by said Board under the provisions of this Act.

"Sec. 7. All bonds heretofore issued by navigation districts of this State, which mature on or after January 1, 1933, and in so far as amounts of same were issued for and the proceeds thereof actually expended in the construction of bridges across any stream or streams or any other waterways upon any highway that constituted and comprised a part of the system of designated State highways on September 17, 1932, shall hereafter be included within and eligible under the provisions of Chapter 13 of the Acts of the Forty-second Legislature of Texas, passed at its Third Called Session, as amended by the Acts of the Forty-third Legislature of Texas, Regular Session, to the extent that the proceeds of the sale of said bonds shall have been actually expended in the construction of such bridges and in such cases the outstanding bonds of said navigation districts in an amount equal to the amount so expended by such navigation districts shall be redeemed under the same conditions as are provided by said Chapter 13, Acts of the Forty-second Legislature of Texas, Third Called Session as amended by the Acts of the Forty-third Legislature of Texas, Regular Session, for the redemption of county and road district bonds.

"It is expressly provided that the Board of County and District Road Indebtedness shall not be authorized to give the bonds herein referred to preference over other similar bonds eligible under said Bond Act; and it is further expressly provided that said Board in determining the amount of bonds eligible for assumption shall take into consideration the amount of the bond money expended for the construction of said bridge, and the balance due on said amount of bonds used in the construction of said bridge, at the effective date of this Act; and in no event shall said Board be authorized to assume in excess of the balance due on the bonds for the

said bridge construction at the effective date of this Act.

"Sec. 8. No provision of this Act shall be construed to authorize the giving or lending of the credit of the State to any county or district or to pledge the credit of the State in any manner whatever for the payment of any of the outstanding road indebtedness, herein referred to, of the counties or districts of the State. It is hereby declared that all eligible indebtedness, as herein defined, shall remain indebtedness of the respective counties or defined road districts which issued it, and said counties or defined road districts shall remain liable on said indebtedness according to its terms and tenor; and it is not the purpose or intention of this Act, or any part hereof, to obligate the State of Texas, directly or indirectly or contingently, for the payment of any such obligations, or that the State of Texas should assume the payment of said obligations; and this Act is not to be construed as obligating the State of Texas to the holders of any of said obligations to make any payment of the same, or any part thereof, nor shall such holders have any rights to enforce the appropriation of any of the moneys hereinabove provided for, nor shall any provision hereof constitute a contract on the part of the State to make money available to any county for the construction of additional lateral roads. The provisions hereof are intended solely to compensate, repay, and reimburse said counties and districts for the aid and assistance they have given to the State in furnishing, advancing and contributing money for building and constructing State highways.

"Sec. 9. It shall be unlawful for any County Judge or any county commissioner, while acting in his official capacity or otherwise, to use any money out of the Lateral Road Account for any purpose except the purposes enumerated in this Act. If any County Judge or any county commissioner shall knowingly expend or use, or vote for the use of, or agree to expend or use any sum of money accruing to any county in this State from the Lateral Road Account, for any purpose not authorized by this Act, or shall knowingly make any false statement concerning the expenditure of any such money, he

shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the State penitentiary for not less than two (2) years nor more than (5) years.

"Sec. 10. If succeeding Legislatures shall continue to carry out the policy herein defined by authorizing a similar appropriation of funds from time to time, (a) then whenever the eligible obligation shall have been fully paid as herein provided, as to or for any county or defined road district according to the provisions of this Act, then, and in that event, the title and possession of all roads, roadbeds, bridges, and culverts in such county or defined road district, which are included in the system of designated State highways, shall automatically vest in fee simple in the State of Texas; in the event of any subsequent physical change therein, such title and possession shall extend to any such change so made; and (b) whenever the interest and principal necessary to retire the outstanding indebtedness owed for lateral roads shall have been fully paid as herein provided, as to, or for any county or defined road district, according to the provisions of this Act, then, and in that event, the title of all roads, roadbeds, bridges, and culverts in such county or defined road district, pertaining to the lateral roads constructed with the proceeds of such indebtedness, shall automatically vest in the State of Texas; but the possession thereof shall remain in such county or defined road district, and in the event of any subsequent physical change therein, such title and possession shall extend to any such change so made; provided that when the right of way, or any part thereof, pertaining either to a State highway or a lateral road, has been abandoned because of the abandonment of such road for all public purposes, and such right of way, or any part thereof, was donated by the owner of the land for right of way purposes, then, and in that event, the title to the said right of way shall vest in said owner, his heirs or assigns; provided, however, that nothing in this Act shall prevent the State Highway Commission from changing or abandoning any State highway, and if the Commission shall change or abandon any State highway in any county, the Commissioners Court of such county shall have the right to assume jurisdiction over such

portion of such highway so abandoned by the State Highway Commission. Likewise, the title to additional lateral roads, when constructed, shall vest in the State of Texas. Provided, however, that this Act neither imposes the obligation on, nor confers the right in, the State of Texas, to maintain and lay out any roads except those constituting a part of the designated State Highway System as hereinabove in this Act defined. The obligation to maintain or lay out all other roads, including lateral roads and additional lateral roads as defined in this Act, shall remain undisturbed in the several Commissioners Courts as agents of the State.

"Sec. 11. If any section, subsection, paragraph, sentence, clause, or provision of this Act shall, for any reason, be held invalid, such invalidity shall not affect any other portion of this Act or the application of such section, sub-section, paragraph, sentence, clause, or provision to any other person or situation but this Act shall be construed and enforced as if such invalid provisions had not been contained therein."

Sec. 2. This Act shall be cumulative of all other valid laws, but in the event of a conflict between any provision of this Act and any other Act, either general or special, the provisions of this Act shall prevail.

Sec. 3. The fact that the present law governing the subject matter of this Act is inadequate, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in both Houses be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted.

Senate Concurrent Resolution 16 with House Amendments

Senator Aikin called S. C. R. No. 16 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate.

The Senate concurred in the House amendments.

House Concurrent Resolution 164

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 164, Suspending joint Rule 9, to permit passage of H. B. No. 462 and H. B. No. 742 during the last 24 hours of the session.

The President laid the resolution before the Senate, and it was read and was adopted.

House Bill 462 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 462, A bill to be entitled "An Act to amend Section 15 of Article 6203, Revised Civil Statutes of 1925, as amended; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 462 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 462 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The bill was read third time and was passed.

Report of Conference Committee on House Bill 665

Senator Cotten submitted the following report:

Senate Chamber,
Austin, Texas,
April 21, 1943.

Hon. John Lee Smith, President of the Senate.

Hon. Price Daniel, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 665, have had the same under consideration and beg to report back with the recommendation that it do pass in the form hereto attached.

Respectfully submitted,

LANNING,
LANE,
MORRIS,
VICK,

On the Part of the Senate;

HUFFMAN,
CRAIG,
STUBBS,
FITZGERALD,

On the Part of the House.

Substitute for House Bill 665

A BILL
To Be Entitled

"An Act making an appropriation for the support and maintenance of the judiciary of the State of Texas for the biennium beginning September 1, 1943, and ending August 31, 1945; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That the several sums of money herein specified or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purposes herein indicated as follows:

**COURT OF CIVIL APPEALS—FIRST DISTRICT
GALVESTON**

	For the Years	
	Beginning September 1, 1943	Ending August 31, 1945
Salaries and Maintenance:		
1. Three Judges at \$6,500 per year	\$ 19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy clerk or stenographer.....	1,800.00	1,800.00
4. Deputy clerk or stenographer.....	1,500.00	1,500.00
5. Porter	720.00	720.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable	500.00	500.00
Totals	\$ 28,300.00	\$ 28,300.00

**COURT OF CIVIL APPEALS—SECOND DISTRICT
FORT WORTH**

Salaries and Maintenance:		
1. Three Judges at \$6,500 per year (S)	\$ 19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy clerk or stenographer.....	1,800.00	1,800.00
4. Deputy clerk or stenographer.....	1,500.00	1,500.00
5. Porter	720.00	720.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable	500.00	500.00
Totals	\$ 28,300.00	\$ 28,300.00

**COURT OF CIVIL APPEALS—THIRD DISTRICT
AUSTIN**

Salaries and Maintenance:		
1. Three Judges at \$6,500 per year (S)	\$ 19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy clerk or stenographer.....	1,800.00	1,800.00
4. Deputy clerk or stenographer	1,500.00	1,500.00
5. Porter	720.00	720.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable	500.00	500.00
Totals	\$ 28,300.00	\$ 28,300.00

**COURT OF CIVIL APPEALS—FOURTH DISTRICT
SAN ANTONIO**

Salaries and Maintenance:		
1. Three Judges at \$6,500 per year (S)	\$ 19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy clerk	1,800.00	1,800.00
4. Stenographer	1,500.00	1,500.00
5. Porter	720.00	720.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable	500.00	500.00
Totals	\$ 28,300.00	\$ 28,300.00

**COURT OF CIVIL APPEALS—FIFTH DISTRICT
DALLAS**

	For the Years	
	Beginning September 1, 1943	Ending August 31, 1945
Salaries and Maintenance:		
1. Three Judges at \$6,500 per year (S).....\$	19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy clerk or stenographer.....	1,800.00	1,800.00
4. Deputy clerk or stenographer.....	1,500.00	1,500.00
5. Porter	720.00	720.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable.....	500.00	500.00
Totals	\$ 28,300.00	\$ 28,300.00

**COURT OF CIVIL APPEALS—SIXTH DISTRICT
TEXARKANA**

Salaries and Maintenance:		
1. Three Judges at \$6,500 per year (S).....\$	19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy clerk or stenographer.....	1,800.00	1,800.00
4. Stenograprer	1,500.00	1,500.00
5. Porter	720.00	720.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable.....	500.00	500.00
Totals	\$ 28,300.00	\$ 28,300.00

**COURT OF CIVIL APPEALS—SEVENTH DISTRICT
AMARILLO**

Salaries and Maintenance:		
1. Three Judges at \$6,500 per year (S).....\$	19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy Clerk	1,650.00	1,650.00
4. Stenographer	1,650.00	1,650.00
5. Porter	750.00	750.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable.....	500.00	500.00
Totals	\$ 28,330.00	\$ 28,330.00

**COURT OF CIVIL APPEALS—EIGHTH DISTRICT
EL PASO**

Salaries and Maintenance:		
1. Three Judges at \$6,500 per year (S).....\$	19,500.00	\$ 19,500.00
2. Special Commissioner	6,500.00	6,500.00
3. Clerk	3,780.00	3,780.00
4. Deputy clerk or stenographer.....	1,800.00	1,800.00
5. Deputy clerk or stenographer.....	1,500.00	1,500.00
6. Porter	750.00	750.00
7. Equipment, maintenance and contingent expenses	500.00	500.00
8. Books for library, transferable.....	500.00	500.00
Totals	\$ 34,830.00	\$ 34,830.00

For the Years
Beginning Ending
September 1, August 31,
1943 1945

COURT OF CIVIL APPEALS—NINTH DISTRICT
BEAUMONT

Salaries and Maintenance

1. Three Judges at \$6,500 per year (S).....	\$ 19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy clerk or stenographer.....	1,800.00	1,800.00
4. Deputy clerk or stenographer.....	1,500.00	1,500.00
5. Porter	720.00	720.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable.....	500.00	500.00
Totals.....	\$ 28,300.00	\$ 28,300.00

COURT OF CIVIL APPEALS—TENTH DISTRICT
WACO

Salaries and Maintenance

1. Three Judges at \$6,500 per year (S).....	\$ 19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy Clerk	1,800.00	1,800.00
4. Stenographer	1,500.00	1,500.00
5. Porter	720.00	720.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable.....	500.00	500.00
Totals.....	\$ 28,300.00	\$ 28,300.00

COURT OF CIVIL APPEALS—ELEVENTH DISTRICT
EASTLAND

Salaries and Maintenance

1. Three Judges at \$6,500 per year (S).....	\$ 19,500.00	\$ 19,500.00
2. Clerk	3,780.00	3,780.00
3. Deputy Clerk	1,800.00	1,800.00
4. Stenographer	1,500.00	1,500.00
5. Porter	720.00	720.00
6. Equipment, maintenance and contingent expenses	500.00	500.00
7. Books for library, transferable.....	500.00	500.00
Totals.....	\$ 28,300.00	\$ 28,300.00

SUPREME COURT OF TEXAS AND COMMISSION OF APPEALS
Sections "A" and "B"

Salaries and Miscellaneous

1. Three Judges of Supreme Court at \$8,000 each per year (S).....	\$ 24,000.00	\$ 24,000.00
2. Six Judges of Commission of Appeals at \$7,500 each per year (S).....	45,000.00	45,000.00
3. Clerk of Supreme Court, including services to Commission of Appeals and State Bar of Texas	5,000.00	5,000.00
4. Reporter	3,300.00	3,300.00
5. Briefing clerk, chief.....	2,880.00	2,880.00
6. Briefing clerk	2,520.00	2,520.00
7. Briefing clerk	2,400.00	2,400.00

	For the Years	
	Beginning September 1, 1943	Ending August 31, 1945
8. Briefing clerk	2,400.00	2,400.00
9. Law clerk-secretary to Supreme Court.....	2,250.00	2,250.00
10. Law clerk-secretary to Supreme Court.....	2,250.00	2,250.00
11. Law clerk-secretary to Commission of Ap- peals	1,800.00	1,800.00
12. Law clerk-secretary to Commission of Ap- peals	1,800.00	1,800.00
13. Law clerk-secretary to Commission of Ap- peals	1,800.00	1,800.00
14. Law clerk-secretary to Commission of Ap- peals	1,800.00	1,800.00
15. Marshal and assistant librarian	1,800.00	1,800.00
16. Porter for clerk's office	720.00	720.00
17. Chief Deputy clerk	2,880.00	2,880.00
18. Deputy clerk and secretary to Board of Legal Examiners	2,880.00	2,880.00
19. Deputy clerk	2,520.00	2,520.00
20. Deputy clerk	2,520.00	2,520.00
21. Deputy clerk and assistant secretary to Board of Legal Examiners	2,520.00	2,520.00
22. Porter	720.00	720.00
23. Porter	720.00	720.00
24. Printing, postage, express, record-books, rebinding, repairs, furniture, equipment, cases, law books for Supreme Court Library and contingent expenses.....	5,000.00	5,000.00
Totals, Supreme Court and Commission \$	121,480.00	\$ 121,480.00

**COURT OF CRIMINAL APPEALS AND COMMISSION IN AID OF
COURT OF CRIMINAL APPEALS**

Salaries and Maintenance

1. Three Judges at \$8,000.00 per year (S).....\$	24,000.00	\$ 24,000.00
2. Two Judges of Commission in aid of Court of Criminal Appeals at \$7,500.00 per year (S)	15,000.00	15,000.00
3. Clerk	4,350.00	4,350.00
4. Bailiff-secretary	2,250.00	2,250.00
5. Secretary	2,250.00	2,250.00
6. Secretary	2,250.00	2,250.00
7. Law clerk-secretary	1,960.00	1,960.00
8. Law clerk-secretary	1,960.00	1,960.00
9. Court reporter	3,800.00	3,800.00
10. Secretary to reporter.....	1,800.00	1,800.00
11. Porter-file clerk	720.00	720.00
12. Postage, telephone, box rent, record books, law books, stationery and contingent ex- penses	2,000.00	2,000.00
Totals.....\$	62,340.00	\$ 62,340.00

STATE PROSECUTING ATTORNEY BEFORE
COURT OF CRIMINAL APPEALS

	For the Years	
	Beginning September 1, 1943	Ending August 31, 1945
Salaries and Maintenance		
1. Attorney (S)	\$ 6,000.00	\$ 6,000.00
2. Clerk-secretary	2,100.00	2,100.00
3. Books, telephone, telegraph, postage, box rent, furniture, supplies, equipment and contingent expenses	1,000.00	1,000.00
Totals, State's Attorney	\$ 9,100.00	\$ 9,100.00
Appellate Court Reports		
1. Printing and binding Supreme Court and Court of Criminal Appeals reports, by State Board of Control	\$ 7,000.00	\$ 7,000.00

JUDICIARY SECTION—COMPTROLLER'S
DEPARTMENT

1. Salaries of 130 district judges and criminal district judges at \$5,000 per year (S)	\$ 650,000.00	\$ 650,000.00
2. Salaries, including the \$500 Constitutional allowance, of 52 district attorneys at \$4,000 per year (per Ch. 442, Acts 2d C. S., Forty-fourth Legislature)	208,000.00	208,000.00
3. Salary of criminal district attorney in districts composed of two or more counties (Sec. 18, Ch. 465, Forty-fourth Legislature)	4,500.00	4,500.00
4. Salary of district attorney of 34th District (El Paso)	5,500.00	5,500.00
5. District judges' and district attorneys' expenses in districts composed of two or more counties (per Article 6820 and 326K-37, R. C. S., 1925)	47,600.00	47,600.00
6. Special district judges' salaries and regular district judges' expenses when holding court out of their district	7,500.00	7,500.00
7. Transcript fees to official court reporters for narrative statement of facts and/or in cases where court is required and does appoint attorney to represent defendant in criminal action, and when official reporter is required and does furnish defendant's attorney with transcript of his notes as is provided by law	500.00	500.00
8. Fees and costs of officials in cases of escheated cases, including accrued fees	50.00	50.00
9. Fees and costs of sheriffs attorneys and clerks in felony cases, and fees of county judges, county attorneys, justices of peace, sheriffs and constables in examining trials where indictments are returned	100,000.00	100,000.00
10. Apportionment to counties at 10c per capita where county officers are paid salaries (per Ch. 465, Sec. 6a, 2d C. S., Acts, Forty-fourth Legislature). Should any county, by election of the commissioners court, change from salary to fee		

	For the Years	
	Beginning September 1, 1943	Ending August 31, 1945
basis or vice versa, the Comptroller shall make adjustment in the appropriations by transferring the correct amount from appropriation made for fees and costs of sheriff and other county officials to appropriation to pay counties on a per capita basis or vice versa as the case may be	400,000.00	400,000.00
11. Apportionment to counties where county officers are paid salaries and where there is a criminal district attorney or county attorney performing the duties of district attorney (for 33 counties in 1940, as per Subsection B, Sec. 13, Ch. 465, Acts Forty-fourth Legislature)	146,429.00	146,429.00
12. Expenses of attached witnesses, witness fees and mileage allowed witnesses in felony cases where the witness lives outside the county where the case is being tried	75,000.00	75,000.00
13. Special judges of Supreme Court, Courts of Criminal Appeals and Civil Appeals, where regular judges are disqualified and where special judges are appointed; per diem to be same as regular district judges receive	1,200.00	1,200.00
14. Expenses of Civil Judicial Council (per S. B. No. 52, 1st C. S., Forty-first Legislature)	1,350.00	1,350.00
15. Traveling expenses of judges of Courts of Civil Appeals when sitting in other districts	1,500.00	1,500.00
Totals, Judiciary Section, Comptroller's Department	\$ 1,649,129.00	\$ 1,649,129.00

GENERAL PROVISIONS—JUDICIARY

Section 2. All amounts appropriated in this Act for law books, or expended therefor under authority of this Act, shall be paid out of the General Fund.

Sec. 3. All fees or sums of money of any kind paid to any court for which appropriations are made herein or to any of the clerks, officers, or employees of any such court, whether such fees or sums of money of any kind are for official or unofficial copies of opinions, carbon copies, or for other services or documents shall be deposited at the close of each month in the General Fund of the State Treasury, and none of such fees or sums of money of any kind shall be retained by or paid to said clerks, officers, or employees. Each court employee whose salary is provided herein, except porters, shall file with such court monthly pay roll, with the Comptroller on the fifteenth day of each month, an affidavit showing that he has not retained any compensation out of any court fees or other fees or sums of money of any kind received by him of the court during the previous month and showing that all such fees or sums of money of any kind have been deposited in the State Treasury. The Comptroller shall not issue a warrant in payment of the salary of any such employee for the month unless and until the affidavit required herein has been filed for said previous month.

Sec. 4. (a) Appropriations made in this Act are intended to be, and shall be, construed as being the maximum sums, respectively, which may be

used in any way for the purpose or object named in the Act, and obligations shall not be incurred in any case which, when the amount thereof added to expenditures actually made, will exceed such maximum sum; and no surplus shall be diverted from one appropriation to another, except transfers or adjustments may be made as between appropriated amounts for books, equipment, maintenance, and contingent items.

(b) All printing and stationery shall be purchased through the Board of control and shall be confined to such articles and qualities as selected and contracted for by the Board of Control.

(c) No account against any items of fees of witnesses, county attorneys, justices of peace, sheriffs, and constables, and cost of sheriffs, attorneys, and clerks in felony cases, shall be binding as an obligation against the State of Texas, until such account shall have been examined, audited, and approved by the State Comptroller, and no such account shall be paid by the State Treasurer until the same has been approved by the Comptroller.

(d) It shall be the duty of each of the Appellate Courts and judicial agencies of the State annually, and within sixty (60) days after the close of the State's fiscal year, to make a sworn statement to the Governor and the Board of Control of all amounts received and/or expended by said court and/or agency. A report from each court shall be filed annually for the calendar year with the Governor, and a copy thereof with the State Board of Control, showing the total number of cases filed in each court during the year, the number of cases transferred to and from such court, the number of cases disposed of with proper divisional classification as to total number of cases similarly disposed of, that is, by dismissal, final judgment, reversal, affirmance and any other statistical data which may be required by the Governor or State Board of Control.

(e) Annual salaries provided for herein shall be paid in twelve (12) monthly installments.

(f) No funds appropriated in this Act shall be used to pay any expense of traveling outside the boundaries of the State of Texas except for returning fugitives on trips authorized by the Governor, and the actual expense of the State's Attorney when it is necessary that he appear before any court in behalf of the State of Texas, or for payment (or reimbursement for payment) of any tip or gratuity whatsoever.

Sec. 5. Each officer, agent, or employee of a court named in this Act and entitled to be paid a salary or other compensation out of any appropriation above made shall be paid by warrant issued in his or her name and specifically showing the amount of salary or sum due upon vouchers showing the services for which the payment is being made with date or dates and place or places of performance of such service.

The following rules shall be observed by all officers and employees in rendering expense accounts before any expense account shall be paid from appropriations herein made for "Traveling Expenses" for employees, judges, or officers.

There must be a concise statement of the duties performed and the points from which and to which the employee, judge, or officer travels, the hour of arrival at and departure from the designated post of duty, and the mode or modes of conveyance.

The name of each hotel, restaurant, boarding or rooming house at which meals and lodgings are procured shall be given in every case. Fees, as tips to waiters on dining cars, or at hotels or restaurants or otherwise, shall not be approved.

The use of railroad scrip books and other forms of transportation provided at the expense of the State are hereby prohibited, and hereafter all railroad and other transportation shall be paid in cash and properly listed in expense accounts rendered. Tax exemption certificates shall be used in all cases where the State is exempt from the payment of Government tax under Federal provision.

The State Comptroller shall be governed accordingly in the issuance of warrants covering payment for railroad scrip books and other forms of transportation.

It is provided that any officer or employee who travels on official State business and who uses his own car while so doing shall be reimbursed for the use of said car on the basis of the total mileage traveled during any calendar month at the following rate: five (5) cents a mile for the first thousand miles traveled, four (4) cents a mile for the second thousand miles traveled, three (3) cents a mile for the third thousand miles traveled and two (2) cents a mile for each mile traveled in excess of three thousand miles.

Money appropriated above for stamps or postage shall be expended only upon warrants made payable to a Postmaster and endorsed by such Postmaster or his deputy or authorized clerk except for incidental purchase of stamps made by district judges and district attorneys as provided in Article 6820.

That portion of every appropriation made herein which is unexpended at the close of the fiscal year for which the appropriation is made shall immediately revert to and become a part of the General Revenue Fund. It is hereby provided that the word "unexpended" as used in this Act means "not disbursed nor contracted to be disbursed."

Sec. 6. All laws and parts of laws in conflict herewith are expressly suspended for the period of the biennium for which this appropriation is made.

Sec. 7. If any section, sentence, clause, or part of this Act shall, for any reason, be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof, irrespective of the fact that any other sentence, section, clause, or part thereof may be declared invalid.

Sec. 8. The fact that the above and foregoing is one of the regular appropriation bills to pay the salaries, support, maintenance, and operation of the Judiciary and other important agencies of the State for the two (2) fiscal years beginning September 1, 1943, and ending August 31, 1945, and the crowded condition of the calendar of the two Houses of the Legislature, create an emergency and an imperative public necessity, requiring the Constitutional Rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

RECAPITULATION—JUDICIARY BUDGET

	For the Years	
	Beginning September 1, 1943	Ending August 31, 1945
Court of Civil Appeals, First District, Galveston \$	28,300.00	\$ 28,300.00
Court of Civil Appeals, Second District, Fort Worth	28,300.00	28,300.00
Court of Civil Appeals, Third District, Austin	28,300.00	28,300.00
Court of Civil Appeals, Fourth District, San Antonio	28,300.00	28,300.00
Court of Civil Appeals, Fifth District, Dallas	28,300.00	28,300.00
Court of Civil Appeals, Sixth District, Texarkana	28,300.00	28,300.00
Court of Civil Appeals, Seventh District, Amarillo	28,330.00	28,330.00
Court of Civil Appeals, Eighth District, El Paso	34,830.00	34,830.00
Court of Civil Appeals, Ninth District, Beaumont	28,300.00	28,300.00
Court of Civil Appeals, Tenth District, Waco	28,300.00	28,300.00
Court of Civil Appeals, Eleventh District, Eastland	28,300.00	28,300.00
Supreme Court and Supreme Court Commission of Appeals	121,480.00	121,480.00

	For the Years	
	Beginning September 1, 1943	Ending August 31, 1945
Court of Criminal Appeals and Commission in Aid of Court of Criminal Appeals	62,340.00	62,340.00
State Prosecuting Attorney before Court of Criminal Appeals	9,100.00	9,100.00
Appellate Court Reports	7,000.00	7,000.00
Judiciary Section—Comptroller's Department ..	1,649,129.00	1,649,129.00
Combined Grand Total—Judiciary	\$ 2,166,909.00	\$ 2,166,909.00
Grand Total for Biennium	\$ 4,333,818.00	

The report was adopted.

Record of Votes

Senators Hazlewood and Brownlee asked to be recorded as voting "nay" on the adoption of the report.

(Senator Brownlee in the Chair.)

Presentation to Lieutenant Governor John Lee Smith and Mrs. Smith

The Presiding Officer recognized Senator Bullock, who presented to Lieutenant Governor John Lee Smith and Mrs. Smith, on behalf of the porters of the Senate, a set of table linens.

The Lieutenant Governor thanked the donors for the gift.

(President in the Chair.)

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 165, Suspending Joint Rule No. 9 for the purpose of considering H. B. No. 622.

The House has adopted the Conference Committee Report on House Bill No. 666 by a vote of 130 ayes and 0 noes.

Motion to reconsider the vote by which House adopted Conference Committee Report on S. B. No. 256, prevailed by a viva voce vote.

H. C. R. No. 166, Suspending Joint Rule No. 9 to consider H. B. No. 111.

H. C. R. No. 163, Suspending Joint Rule No. 9 to the extent that the Senate may be permitted to consider H. B. No. 392 and H. B. No. 724.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 755, A bill to be entitled "An Act providing for special fire fighting equipment in all counties having a population of three hundred and fifty thousand (350,000) or more according to the last preceding Federal Census; etc.; and declaring an emergency."

H. B. No. 685, A bill to be entitled "An Act to amend Section 11 of H. B. No. 264 as enacted by the Forty-eighth Legislature in 1943; and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act providing a closed season for fishing or attempting to take or catch fish in Uvalde County, providing a penalty for violation of this Act, repealing conflicting laws; etc.; and declaring an emergency."

H. B. No. 751, A bill to be entitled "An Act authorizing any city or town, in any county of this State having a population of more than 350,000 inhabitants, regardless of how incorporated, to acquire by gift, purchase, condemnation or otherwise separately or jointly with any other city, town, cities, towns or other city, town, cities, towns and county, within which such municipality is situated, property within or outside of such city, town, cities and towns for pub-

lic purposes; etc.; and declaring an emergency."

H. B. No. 223, A bill to be entitled "An Act amending Section 14, Chapter 116, H. B. No. 189, Acts of the Regular Session of the Forty-fourth Legislature, so as to provide for the issuance of a Texas license to non-resident hairdressers and cosmetologists under certain circumstances for a set fee; etc.; and declaring an emergency."

H. B. No. 324, A bill to be entitled "An Act to amend Article 6205, of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 69, Acts of the Regular Session of the Thirty-ninth Legislature, as amended by Chapter 153, Acts of the Regular Session of the Forty-first Legislature, as amended by Chapter 82, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Chapter 262, Acts of the Regular Session of the Forty-second Legislature as amended by H. B. No. 651, Acts of the Regular Session of the Forty-fifth Legislature so as to provide that widows of Confederate soldiers or sailors who have been bona fide residents of this State since January 1, 1928, and whose application shall hereafter be approved and who were married to such soldiers or sailors prior to January 1, 1921, and who lived with such soldier or sailor continuously for at least nine (9) years immediately prior to the death of such soldier or sailor; etc.; and declaring an emergency."

H. B. No. 328, A bill to be entitled "An Act amending Article 2700.1 of the Revised Civil Statutes of Texas of 1925, amended by Acts of 1941, Forty-seventh Legislature, H. B. No. 364, so as to henceforth provide that counties having a population of more than 125,000 according to the last Federal census may employ a competent assistant to the County Superintendent at an annual salary not exceeding Twenty-eight Hundred (\$2800.00) Dollars, and may also employ such other assistants as necessary provided the aggregate amount of the salaries of such other assistants shall not exceed Eighteen Hundred (\$1800.00) Dollars annually; etc.; and declaring an emergency."

H. B. No. 503, A bill to be entitled "An Act to reorganize the 7th Judicial District of the State of Texas and the Special District Court of

Smith County, Texas, and to make the latter court a permanent Court to include Smith County, Texas, under the title of the 128th Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 585, A bill to be entitled "An Act for the purpose of reconciling and making uniform the provisions of 'Title 94, Militia' of the Revised Civil Statutes of Texas, 1925, as amended, with Texas Defense Guard Act 1941 (Chapter 9, General and Special Laws of the State of Texas, passed by the Regular Session of the Forty-seventh Legislature) by repealing Article 5839 of the said Statutes and Section 3 and 9 of the said Defense Guard Act and amending Articles 5765 and 5838 of the said Statutes and Sections 1, 2, 10, 11 and 12 of said Defense Guard Act so as to stipulate that the Defense Guard, as well as the National Guard, is a component of the Military Forces and of the Active Militia of Texas; etc.; and declaring an emergency."

H. B. No. 712, A bill to be entitled "An Act making a legislative find that the recent tornado in Foard County was a great public calamity and donating and granting to the City of Crowell and the County of Foard certain State ad valorem taxes for a period of five (5) years; providing that one-half of said taxes shall be granted to the City of Crowell and one-half shall be granted to the County of Foard; providing for their use; and declaring an emergency."

H. B. No. 25, "To aid the town of Freeport, Texas, by donating and granting ad valorem taxes for certain period."

H. B. No. 750, A bill to be entitled "An Act providing for the apportionment of the payment of expenses and salaries of the official court reporters in all judicial districts having more than one county; providing that this does not apply where the terms of court operate on a continuous term basis; and declaring an emergency."

H. B. No. 554, A bill to be entitled "An Act repealing H. B. No. 528, same being Chapter 450, passed by the Forty-seventh Legislature 1941, at its Regular Session, providing for compensation for County Auditor and Purchasing Agent in certain counties; etc.; and declaring an emergency."

H. B. No. 166, A bill to be entitled "An Act amending Article 4732 of the Revised Civil Statutes of Texas, by adding thereto Section 12, requiring all family group insurance policies to show the name of each insured, the names of the beneficiary, and the amount which is payable to each payee in case of death, accident or illness, and providing that if there is a graduated scale of payment, the amount payable to each person insured shall be shown; repealing all laws and parts of laws in conflict herewith; etc.; and declaring an emergency."

H. B. No. 728, A bill to be entitled "An Act providing that any incorporated city, town or village in this State incorporated under the General Laws may vote upon the question of adopting a city-manager plan of government as further provided; etc.; declaring an emergency."

H. B. No. 170, A bill to be entitled "An Act providing for the re-recording of marks and brands; etc.; and declaring an emergency."

H. B. No. 717, A bill to be entitled "An Act to provide for the waiver of pay by any State or District officer in any branch of the government while on active military duty, and for the waiver by him of the emoluments of his office in favor of the person filling his office during such military service; and declaring an emergency."

H. B. No. 718, A bill to be entitled "An Act to amend Article 4912, Revised Civil Statutes of Texas, 1925, so as to provide for any aggrieved party to have the right to apply to any court of competent jurisdiction to obtain redress; etc.; and declaring an emergency."

H. B. No. 468, A bill to be entitled "An Act amending Article 5017d of the Revised Civil Statutes of Texas, as added by Acts 1929, Forty-first Legislature, First Called Session, p. 32, Ch. 11, Sec. 1; etc.; and declaring an emergency."

H. B. No. 657, A bill to be entitled "An Act to describe, define, and officially name a system of Co-ordinates for designating the positions of points on the surface of the earth within the State of Texas, to be known as the 'Texas Co-ordinate System,' etc.; and declaring an emergency."

S. B. No. 128, A bill to be entitled "An Act amending Article 4542-a,

Chapter 8, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Acts, Forty-fourth Legislature, 1935; and amending Chapter 8, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by the Forty-fourth Legislature, 1935, by adding a new Article, to be known as Article 4542-b, Article 4542-c, Article 4542-d, Article 4542-e, Article 4542-f, Article 4542-g, Article 4542-h, and Article 4542-i; and amending Chapter 8, Title 12 of the Penal Code of Texas by amending Articles 757, 758 and 758-a, so as to provide for a State Board of Pharmacy; providing qualifications for and methods of filling vacancies on said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice pharmacy in Texas to pass an examination; providing subjects of and method of giving examinations; providing exemptions therefrom; providing grounds for refusal of and suspension and cancellation of licenses; prescribing examination fee; providing certain exemptions; providing for reciprocity; defining terms used herein; specifying acts constituting penal offenses; and providing penalties therefor; repealing all laws and parts of laws in conflict with this Act; declaring that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; and declaring an emergency."

S. B. No. 335, "An Act amending Article 5949, Vernon's Civil Statutes of Texas, 1925, as amended; etc.; and declaring an emergency."

S. B. No. 230, A bill to be entitled "An Act requiring ambulances to be equipped with first aid kits and traction splints; requiring that operators thereof hold first aid certificates or the equivalent; providing penalties for violation; providing an effective date; and declaring an emergency."

S. B. No. 182, A bill to be entitled "An Act declaring the floods of Colorado County, Fayette County, and Jackson County, Texas, to be a public calamity; authorizing a donation and grant to Jackson County Flood Control District of one-half ($\frac{1}{2}$) of the State ad valorem taxes collected in Jackson County; authorizing a donation and grant to Fayette County Flood Control District of one-half

($\frac{1}{2}$) the State ad valorem taxes collected in Fayette County; authorizing a donation and grant to Colorado County Flood Control District of one-half ($\frac{1}{2}$) of the State ad valorem taxes collected in Colorado County; providing that such taxes donated to shall be used for flood control improvement and maintenance purposes; specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by the pledge of funds donated and granted by the State; describing the manner of issuance thereof; providing that this Act shall be severable; repealing all laws in conflict; and declaring an emergency."

S. C. R. No. 61.
S. C. R. No. 62.
H. C. R. No. 147.
H. C. R. No. 140.
H. C. R. No. 143.
H. C. R. No. 135.

Election of President Pro Tempore Ad Interim

The President announced that the next business in order was the election of President pro tempore ad interim.

Senator Winfield nominated Hon. A. M. Aikin, Jr., of Lamar County to be President pro tempore of the Senate ad interim.

Senators Graves, Moore, Moffett, Cotten, Metcalfe, Chadick, Stone, Martin, Jones, Brownlee, and York seconded the nomination.

On motion of Senator York, it was ordered that nominations be closed.

The President appointed Senators Martin and Winfield to take up and count the ballots.

The tellers reported that Hon. A. M. Aikin, Jr., had received 24 votes, and the President declared him duly elected President pro tempore ad interim and appointed Senators Mauritz, Brownlee, and Winfield to escort him to the President's rostrum.

The President administered the constitutional oath of office to Hon. A. M. Aikin, Jr., and presented him to the Senate as its President pro tempore ad interim.

President pro tempore Aikin then addressed the Senate briefly and thanked the Members of the Senate for the honor conferred upon him.

Report of Conference Committee on House Bill 176

Senator Aikin submitted the following report:

Austin, Texas,
May 10, 1943.

Hon. Price Daniel, Speaker of the House of Representatives,

Hon. John Lee Smith, President of the Senate.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the Senate and House on H. B. No. 176 have had the same under consideration, and recommend that the bill do pass in the form hereto attached.

Respectfully submitted,

AIKIN,
LOVELADY,
METCALFE,
SHIVERS,

On the Part of the Senate;

BUNDY,
CALLAWAY,
MANNING,
FITZGERALD,
HILEMAN,

On the Part of the House.

H. B. No. 176.

A BILL

To Be Entitled

"An Act providing for a more efficient public school system in Texas; providing for the equalization of funds; making an appropriation of Nine Million Eight Hundred Thirty Thousand, Nine Hundred Ninety (\$9,830,990) Dollars for each year of the biennium ending August 31, 1945; allocating the funds so appropriated; providing for the administration thereof by the State Superintendent of Public Instruction, the Legislative Accountant, the Department of Education, the Director of Equalization; creating a Joint Legislative Committee; defining its powers and duties; providing for the appointment of a Legislative Accountant and providing for his powers and duties; providing that in the event the Joint Legislative Committee fails or refuses to perform duties herein imposed same shall be performed by the State Board of Education; defining what schools and school districts may receive aid with certain exceptions thereto; providing

for a system of transporting scholastic to and from schools under certain conditions and limitations with reasonable exceptions thereto; providing for the method and manner of paying therefor; providing for the payment of high school tuition and designating who and what schools may receive same with certain exceptions and limitations; providing for applications for aid; providing for the duties of County Boards of Trustees, County Superintendents and Boards of Trustees; providing for the function of Deputy State Superintendents; providing for the scholastic population of school districts; providing for the levy of a tax; providing for salary aid; providing for salary schedule and length of time; providing for high school tuition aid; providing for transportation aid; providing for the transfer under certain circumstances of a school's scholastic enrollment for one year to an accredited school of higher rank; providing for disbursements; providing how counties with no governing school board may function in order to receive aid under this Act; providing for allowances to school districts suffering loss sustained by reason of the location in said districts of Federal owned lands or University owned lands; providing for penalties for violations of this Act; providing for the repeal of all laws in conflict with this Act; and containing a saving clause; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Article 1. Eligibility for Aid.

Section 1. Scholastic Population of the District. State aid under the provisions of this Act shall be distributed in such a way as to assist all school districts which have not fewer than twenty (20) nor more than five hundred (500) original enumerated scholastics within the grades classified to be taught remaining in the district after transfers out, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school district unit; provided that the maximum limitation as to scholastic population for eligibility herein set forth shall not apply for any type of aid

to any school district which is nine (9) miles or more in length or contains forty-eight (48) square miles of territory or more, provided there is not located in such district an incorporated city or town having a population of more than thirty-six hundred (3600) inhabitants, according to the last preceding Federal Census. Districts maintaining a school at home and having less than an average of one enumerated scholastic per square mile are exempt from said minimum scholastic requirement and are eligible for aid for only one teacher unless a geographical barrier necessitates the operation of two schools for the same race in said district, such geographical barrier to be determined by the State Department of Education and subject to the approval of the Legislative Accountant. If they can show budgetary need therefor, all other districts having less than said minimum scholastic requirement, shall be eligible for only tuition and transportation aid to the nearest accredited school on enumerated scholastics whose grades are not taught in such district.

Sec. 1a. Provided further that school districts whose area does not exceed sixteen (16) square miles and have an accredited high school of sixteen (16) units or more, which serve teacher training institutions as practice teaching laboratories, shall receive high school tuition payment from the monies appropriated in this Act of Seven Dollars and Fifty Cents (\$7.50) per pupil per month on all high school pupils enumerated in said districts; provided further that such aid shall not exceed the budgetary needs of said districts as indicated by the approval of the State Superintendent of Public Instruction or the Director of Equalization, and provided that such aid shall be paid upon such approval and such approval only, regardless of all other limitations, restrictions or provisions imposed in this Act to the extent, for the purpose, and in the manner set forth in this sentence, if budgetary need can be shown therefor, and provided further that in consolidated districts comprising nine hundred (900) square miles or more of territory a straight tuition payment of Seven Dollars and Fifty Cents (\$7.50) per month per pupil shall be paid on all high school

pupils enumerated in the consolidated district and living within the present boundaries of any territory annexed or otherwise consolidated to the central receiving high school, and can show budgetary need therefor. Provided further that the maximum limitations as to scholastic population for eligibility herein set forth shall not apply for any type of aid to any school district, which is nine (9) miles or more in length and assesses and collects One Dollar and Thirty-five Cents (\$1.35) tax on each One Hundred Dollars valuation, and can show budgetary need therefor.

Sec. 1b. Provided further that H. B. No. 284 passed at the Regular Session of the Forty-seventh Legislature be amended so as to add Section 1a to Article I thereof as follows:

"Sec. 1a. Provided further that consolidated districts comprising nine hundred (900) square miles or more of territory, and provided that school districts whose area does not exceed sixteen (16) square miles and have an accredited high school of sixteen units or more, which serve teacher training institutions as practice teaching laboratories, shall receive high school tuition payment of Seven Dollars and Fifty Cents (\$7.50) per pupil per month on all high school pupils enumerated in said districts; provided further, that such aid shall not exceed the budgetary needs of said districts as indicated by the approval of the State Superintendent of Public Instruction or the Director of Equalization, and provided that such aid shall be paid upon such approval and such approval only regardless of all other limitations, restrictions or provisions imposed in this Act to the extent, for the purpose and in the manner set forth in this sentence. The provisions of Section 1, Article I of H. B. No. 284 passed at the Regular Session of the Forty-seventh Legislature are not applicable to the aid granted in this Section.

"All laws and parts of laws in conflict herewith are hereby expressly repealed, and particularly such portions of Section 1 of Article IV of said H. B. No. 284, Forty-seventh Legislature as may be in conflict herewith; however, budgetary need must be shown before aid shall be granted."

Sec. 2. Tax Levy. No school district shall be eligible to receive any type of aid authorized under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying, and collecting for the current school year a local maintenance school tax of not less than Fifty Cents (50c) on the One Hundred Dollars of property valuation in the entire district. The property valuation shall not be less than said property is valued for State and county purposes. The income from such a maintenance tax in excess of the required Fifty Cents (50c) maintenance tax must first be used to retire indebtedness, if any, in the local and Equalization (Rural Aid) school funds. After the indebtedness in these funds, if any, has been retired the income from this maintenance tax in excess of the required Fifty Cents (50c) maintenance tax may be used at the discretion of the local school authorities of the district for any lawful school purpose. Any or all maintenance tax above Fifty Cents (50c) may not be included in the calculation of need for aid but shall be reported in the budget. If the income from the maintenance tax above Fifty Cents (50c) is not spent as prescribed herein, it shall be included as receipts in the budget. In order to comply with the terms of this section, it shall be necessary for such school districts applying for any type of aid authorized under the terms of this Act, to report all valuations within such districts including all consolidated districts and annexed districts and failure to report all such valuations shall prevent such district from receiving any type of aid authorized under this Act. Provided that the tax provisions and other inhibitions provided in said Act shall not apply to the school where the Alabama Indians attended school in Polk County, Texas.

Sec. 3. Distance Between Schools. No aid shall be granted to any school under the provisions of this Act which is located within two and one-half (2½) miles of another school of the same race, unless on account of the conditions of the roads and other physical features, it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to ele-

mentary schools in a consolidated and/or rural high school district, nor to any district which at some previous election has voted to remove such conditions by consolidation, nor to any school district that has received State aid for the preceding five (5) years when need is shown as provided in this Act, nor to any district whose school building is two and one-half (2½) miles or more from the nearest accredited high school building.

Sec. 4. Average Daily Attendance. No school shall be granted salary aid under the provisions of this Act whose average daily attendance is less than sixty-five (65) per cent of the scholastic census enrollment for either white or colored school. However, salary aid may be granted to any school whose average daily attendance is sixty-five (65) per cent or more of the scholastics necessary for the teachers actually employed. Sixty-five (65) per cent average daily attendance shall be based for the entire school term or, at the election of the school and with the approval of the Legislative Accountant, may be based upon the first four months thereof. The provisions of this Section shall not apply to any school where there is any kind of epidemic of sickness that has resulted in a quarantine and such exemption may be allowed only with the approval of the State Department of Education and when the facts are determined and certified to by the County or State Health Officer residing in the area affected. Provided, however, that school districts having parochial schools within their boundaries shall first deduct the number of children actually attending the parochial school, who are residents of the district, before arriving at the average daily attendance as provided in this Section.

Article 2. The Application for State Aid.

Section 1. The trustees of the districts authorized to apply for aid under the provisions of this Act shall send to the State Superintendent of Public Instruction on forms provided by said authority, all information that may be required. Said forms will include a budget by which the amount of Salary Aid to which a school will be eligible shall be determined. The receipts as shown in said

budget will include the State and County Available and local maintenance balances brought forward from the preceding year, State and County Available and Local Maintenance receipts for the current year, tuition to be collected locally, and miscellaneous receipts. The expenditure will include salaries of teachers as determined by the salary schedule stated herein, and a maximum of One Hundred Eighty Dollars (\$180) per teacher per year in accredited schools and One Hundred Sixty Dollars (\$160) per teacher per year in unaccredited schools for other current expenses; provided that if Salary Aid grant for the first year of the biennium exceeds or is less than the Salary Aid Allocation, the State Superintendent shall increase or decrease said maximums proportionately. The total amount of approved expenditures less the total amount of receipts will be the amount of Salary Aid to which a school will be eligible; provided in no case will such amount exceed the approved amount of teachers' salaries. The State Superintendent shall, subject to the provisions of this Act, grant to the school an amount of aid as will, with State and County Available Funds, together with all other funds including tuition, maintain the school for such a period and in such a manner as authorized in this Act. The application shall be sworn to by the county superintendent of all Common School Districts and president and secretary of the board of trustees of all Independent School Districts applying for aid. School districts accepting aid under the provisions of this Act shall share in the distribution of State and County Available School Funds and in all other funds as herein may be provided.

Sec. 2. Filing Date. All applications for any type of aid authorized herein, except tuition aid, shall be on file with the State Department of Education in Austin not later than October 1st of each scholastic year for which aid is asked. Schools whose applications for state aid are filed later than October 1st of each year for which aid is asked, shall be ineligible for any type of aid.

Article 3. Salary Aid.

Section 1. Teacher-Pupil Quota. State aid under provisions of this Act

shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof, residing in the district. It is expressly provided that in the event scholastics are transferred into the district the excess fractional part thereof shall not be less than two (2) scholastics. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district, provided such transfers are from districts eligible to receive aid under Article 1 of this Act, for the current year; and there shall be deducted all scholastics who have completed the course of study in their home school, as classified by the county board of trustees, and those whose grades are taught within the district from which they are transferred unless such scholastics maintain an average daily attendance of sixty-five (65) per cent in the district to which they are transferred. Where unusual or extraordinary conditions cause an actual increase in enrollment so that the average daily attendance of a school reaches a point in excess of the net scholastics remaining in the district after transfer, an adjustment for the remainder of the school year as to the number of teachers may be made by the State Superintendent, and on approval of the Legislative Accountant in which case said average daily attendance becomes the basis for the teacher-pupil quota.

Sec. 2. Salary Schedule and Length of Term. The base pay for class room teachers in unaccredited schools shall be Ninety-five Dollars (\$95) per month for eight (8) months. The base pay for class room teachers in accredited schools shall be One Hundred Dollars (\$100) per month for nine (9) months. Two Dollars and Fifty Cents (\$2.50) per month shall be added for each year of college credit over one year not to exceed Ten Dollars (\$10). One Dollar and Fifty Cents (\$1.50) per month shall be added for each year of teaching experience; provided such amount added for experience shall not exceed Fifteen Dollars (\$15) per month. Additional allowances for teachers

serving as principals and/or superintendents shall be the same as was provided for the year 1942-1943. The annual salary of teachers in accredited schools shall be the monthly salary multiplied by nine (9). The annual salary of teachers in unaccredited schools shall be the monthly salary multiplied by eight (8). The annual salary of Superintendents of accredited schools with eight (8) or more recognized affiliated credits and entitled to six (6) teachers or more under Section 1 of this Article, Vocational Agriculture teachers, and Trades and Industries teachers shall be the monthly salary as determined by schedule stated herein multiplied by twelve (12). The annual salary of Home Economics teachers shall be the monthly salary as determined by said schedule multiplied by ten (10). All such authorized salaries may be paid in twelve (12) equal payments, which shall not exceed the contract or the salary schedule, beginning with September 1st of each year. Salaries of Superintendents and Vocational teachers may begin on July 1st rather than September 1st. All schools of the accredited class receiving aid shall provide a term of approximately nine (9) months, and schools of the unaccredited class receiving aid shall provide a term of approximately eight (8) months. An accredited school is herein defined as a school teaching either the elementary grades, the elementary grades plus two (2) years of high school, or the elementary grades and four (4) years of high school and recognized by the State Department of Education as doing standard work. Should any school district eligible to receive Salary Aid under the provisions of this Act maintain a salary schedule in excess of the salary schedule stated herein with revenue listed as receipts in the budget the amount of salary aid received by such school district shall be reduced by the amount of such excess.

Article 4. High School Tuition Aid.

Section 1. It is hereby expressly provided that a sufficient amount of funds allocated by this Act shall be used for the payment of high school tuition not to exceed Seven Dollars and Fifty Cents (\$7.50) per pupil per month, and in no instance shall more than five (5) months' tuition be paid

for any one pupil on the census roll for any one school year. High school tuition shall be paid according to the provisions of House Bill No. 158 General Laws, Regular Session, Forty-fourth Legislature, as amended, and subject to the limitations and restrictions provided in this Act. In the event a receiving high school has its budget balanced with salary aid, there shall be deducted from the salary aid grant of such school any amount of tuition collected from sending district, and all such collections shall be included in the revenue section of the State aid application. Such revenues shall include the total tuition received for the preceding school year by such school districts. In no event shall any salary aid school receive tuition aid in any amount which, together with the salary aid granted, exceed the budgetary need as indicated by the approved State aid applications. Receiving schools refusing to accept said approved rate as the maximum amount to be charged shall not be eligible to receive State High School Tuition Aid funds. It is further provided that tuition aid as above set out shall be granted for pupils attending from an orphans' home in the district or transferred into a district from an orphans' home or from either of the State Training Schools. Provided further that high school tuition of not to exceed Two Dollars and Fifty Cents (\$2.50) per month per scholastic shall be granted for pupils in consolidated and rural high school districts composed of not less than three (3) original districts, and whose valuation is less than Fifteen Hundred Dollars (\$1500) per scholastic population and whose budget shows a need therefor, and that maintains an affiliated high school of not less than sixteen (16) units.

Sec. 2. Application for Tuition Aid. It shall be the duty of the County Superintendent to receive and check all high school tuition applications to determine the following facts: age of pupil, the district in which he was enumerated, the district in which he lives, the district in which he attends school, the grade in which the pupil is classified in the receiving district, the highest grade taught in the home district of the pupil, and the amount of time the pupil was in actual attendance at the

receiving school. When such application has been reviewed and checked as herein provided, same shall be properly sworn to by said county superintendent, the president and/or secretary of the school board of the sending district of the pupil, and the superintendent of the receiving school, before said application is transmitted to the Director of Equalization at Austin, Texas, for his rejection, modification, or approval, and no such application shall be considered by the Director of Equalization unless same has been duly deposited with him at Austin, Texas, within sixty (60) days after his request for same, and in no instance later than June 1 of the current school year.

Article 5. Transportation Aid.

Secion 1. The County Superintendent and County School Boards of the several counties of this State, subject to the approval of the State Superintendent of Public Instruction, are hereby authorized to annually set up the most economical system of transportation possible for the purpose of transporting both grade and high school pupils from their districts, and within their districts. The County shall be regarded as the unit and the warrant made payable to the County Board Transportation Fund, on the total transportation earned within the County not to exceed the total approved cost thereof and the County Board of Education shall distribute the funds equitable to the Districts operating such transportation system not to exceed the actual approved cost of any one (1) bus so operated. The expense of such transportation shall be paid on the basis of budgetary need as indicated by approved State aid application, out of the funds herein allocated for transportation aid, not to exceed Two Dollars and Twenty-five Cents (\$2.25) per month per pupil for those attending the most convenient accredited high school and not more than One Dollar and Seventy-five Cents (\$1.75) per month per pupil for those transported to elementary schools; provided that if there be no convenient accredited high school, that such pupil may obtain like aid under the provisions of this Article when attending any near high school of higher classification than the sending district when designated by the County

Board; provided any balance shown in the regular approved budget of any district shall be deducted from the approved operating cost before applying the approved rate; provided further that all school districts obtaining one hundred (100) square miles of territory or more or has less than one (1) enumerated scholastic per square mile may receive Two Dollars and Twenty-five Cents (\$2.25) per month per pupil as transportation aid when there is a need shown therefor as provided herein.

Sec. 2. In no instances may aid be granted for pupils transported who attend a grade in another school which grade is taught in such pupil's home district. No transportation aid shall be granted for a pupil being transported out of his home school district if two or more receiving schools are applying for transportation aid from such pupil's home district unless the bus routes through such district have been approved by the State Department of Education and confirmed by the Legislative Accountant. Aid shall not be granted under any provisions of this Article unless the pupil so transported actually resides more than two and one-half ($2\frac{1}{2}$) miles from the school attended and is transported in an approved bus over an approved route. Provided that the county superintendent shall locate a point on each bus route two and one-half ($2\frac{1}{2}$) miles from the receiving school and after such point is established he shall personally determine whether the school is requesting transportation aid on any pupil residing within the two and one-half ($2\frac{1}{2}$) mile limit. No transportation aid shall be allowed on pupils living within the said two and one-half ($2\frac{1}{2}$) mile limit, and any district requesting aid on such pupil shall become ineligible for transportation aid on each bus transporting such pupils.

Sec. 3. A school requesting transportation aid on a student who is not an approved scholastic of his home district, shall list such students separately on the application, giving such information as may be requested by the Department of Education and the Legislative Accountant.

Sec. 4. County Boards of Trustees are hereby authorized to employ bus drivers for one year and the

salary of no bus driver may be paid out of the County Board Transportation Fund created herein unless such bus driver is so employed. Provided further, that only pupils or persons directly connected with the school system shall be transported on school buses while in the process of transporting pupils to and from the school and any bus driver violating the foregoing provisions shall forfeit his contract and shall be immediately discharged by the County Board of Trustees. However, subject to the provisions herein, bus drivers who own their own buses and are so employed may be given a contract for not to exceed two (2) years conditioned that said bus drivers agree to make improvements on their buses, so as to more adequately insure safer transportation for the scholastics, and the route of such bus is not changed for the second year of the contract.

Article 6. Duties of the State Superintendent of Public Instruction.

It shall be the duty of the State Superintendent of Public Instruction, and the Legislative Accountant, to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of Deputy State Superintendents herein-after authorized to make a thorough investigation, in person, of the teaching staff, and financial condition of each school applying for aid through the Superintendent's office and the depository banks; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with and that such amount of aid actually needed as shown by the approved budget and actual expenditures and that the funds are being used as approved. The State Superintendent of Public Instruction shall employ twelve (12) Deputy State Superintendents and such other employees as may be authorized in the Departmental Appropriation Bill for the biennium ending August 31, 1945, and shall pay such salaries as are therein authorized and expend such other monies as therein permitted out of the appropriation as shown for the

Equalization Division of the Department of Education as herein provided and allocated, and such deputies and other employees shall be used exclusively for the administration and supervision of this Act. In order to carry out and expedite the provisions of this Act, each of the twelve (12) Deputy State Superintendents authorized to be appointed herein, shall reside in the respective supervisory districts twelve (12) months in the year, except when out of the district on authorized vacation or on official business. The salaries and traveling expenses and other contingent expenses of the herein authorized employees are hereby appropriated. All of the appropriation for the administration of this Act shall be used exclusively by the Equalization Division and none of the appropriation for travel and contingent expense shall be used except by the Director of Equalization, the Executive Secretary and the regularly employed Deputy State Superintendents. In the event the appropriations and allocations of aid made herein are insufficient to pay the total of all applications showing need, the State Superintendent and the Director of Equalization shall reduce all applications pro rata so as to bring the aggregate of all applications approved within the appropriations and all allocations herein made, and in order to accomplish this, said director shall reduce the authorized expenditures of all schools applying for Salary Aid pro rata; shall lower the tuition rate of all schools applying for Tuition pro rata; and decrease the Transportation Aid of each scholastic transported pro rata, so as to bring the total Salary Aid, Tuition Aid and Transportation Aid within the allocation herein set forth. Appeals from the decision of the State Superintendent shall be made to the State Board of Education.

Article 7. Functions of the Deputy State Superintendents.

The Deputy State Superintendents authorized under the provisions of this Act are hereby directed to make such inspections as are required in Article 6, which inspections shall be completed and reports made to the Director of Equalization not later than January 31st of each scholastic year. Such Deputy State Superintendent shall advise with school officials concerning proper budgeting of their school

funds and assist the districts in making their applications for aid. During the second semester of the year the Deputy State Superintendent shall check to ascertain whether the standards are being maintained and the funds used as approved. All schools affected either directly or indirectly by this Act desiring to become accredited or affiliated by the State Department of Education shall make application upon a form to be furnished by the State Department of Education to the Deputy State Superintendent in whose district the school is located. The Deputy State Superintendent shall make his recommendation to the State Superintendent of Public Instruction who shall approve or reject said application.

Article 8. Transfer of the Entire District by Contract.

Section 1. Upon the agreement of the board of trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the county superintendent, and the State Superintendent, a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment for one year to an accredited school of higher rank. If the receiving school receives State aid, the scholastic census rolls both white and colored shall be combined, the per capita apportionment shall be paid direct to the receiving school, all local taxes of the sending contracting district, except those going to the interest and sinking fund shall be credited to the receiving school by the tax collector as collected, and the teacher-pupil quota shall be based on the combined census total. If the receiving school is not a State Aid school, the scholastic census rolls both white and colored shall be combined, the per capita apportionment shall be paid direct to the receiving school, all local taxes of the sending contracting district except those going to the interest and sinking fund shall be credited to the receiving school by the tax collector as collected, and the sending contracting district will be eligible for as much salary aid as is necessary to supplement the State Available and Local Maintenance funds, on the scholastics from the sending district attending a school in the receiving district, to cover the approved cost of instruction per scholastic in the receiving school, provided that such ap-

proved cost shall not exceed Seven Dollars and Fifty Cents (\$7.50) per month for five (5) months for high school students or Five Dollars (\$5.00) per month for five (5) months for elementary students.

Article 9. Disbursements.

Section 1. Warrants for all money granted under the provisions of this Act shall be approved and transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which aid is granted in the same manner as warrants for State apportionments are now transmitted. Initial payment of not more than fifty per cent (50%) of salary aid, tuition aid, and transportation aid may be made by the State Superintendent of Public Instruction after September 1 of each year of the biennium as soon as a basis for payment can be determined, and approved by the Legislative Accountant. Final payment by warrant of the total amount allotted to any one school shall then be made not later than June 1, or as early as possible thereafter after the approval and upon the order of the State Superintendent of Public Instruction and the Legislative Accountant. Such final payments shall be made on a percentage basis so that each school approved for aid will receive the same proportion of aid.

Sec. 2. It shall be the duty of all treasurers of depositories to make annual itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act as herein directed not later than the succeeding October 1st. Districts receiving aid under the provisions of this Act shall issue warrants for not to exceed the amount approved in the budget and for the exact purpose as approved. All warrants issued against a fund shall be numbered and paid by the depository in the order issued.

Article 10. Counties Having No Governing School Board.

In counties which constitute a single school district and in which there is no governing body designated as the county school board, the duties authorized in this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts and all aid shall be granted on the basis of need

after proper budgeting, the same as herein provided.

Article 11. Federal Government Land Purchased and University Lands.

The State Superintendent shall take into consideration in fixing allowances to school districts applying for aid, any loss sustained by such districts by reason of the location in said districts of Federal owned lands or University owned lands. It is expressly understood that any revenues received by said school districts by virtue of this Article must be included as revenue in the budget before calculating a budgetary need for such schools applying for aid.

Article 12. Joint Legislative Committee.

Section 1. There is hereby created a Joint Legislative Committee composed of five (5) members of the Senate, appointed by the President of the Senate, and five (5) members of the House of Representatives, appointed by the Speaker of the House of Representatives, a majority of which shall constitute a quorum for the purpose of discharging any duty imposed upon said committee. Said committee shall promptly organize and select from its membership a chairman, a vice chairman and a secretary, shall vote as a unit on all propositions coming before it for consideration and shall keep a permanent record of its proceedings. The members of said committee shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as such member.

Sec. 2. Within thirty (30) days after the appointment of this committee, it shall meet and appoint a Legislative Accountant to perform the duties set forth in this Act. Said Legislative Accountant shall be appointed and hold office for a period of two (2) years or until his successor is appointed and qualifies. The Joint Legislative Committee, or a majority of the membership thereof, shall execute a written appointment of the person so appointed, as such Legislative Accountant, and cause the same to be filed in the office of the Secretary of State. All vacancies in the office of the Legislative Accountant shall be filled by the committee or a majority of the membership thereof.

Sec. 3. The person appointed Legislative Accountant shall be experienced in matters affecting school administration and finances, and who holds a degree from some recognized college or university. He shall have been a resident of Texas for at least five (5) years immediately preceding his appointment. He shall qualify within ten (10) days after his appointment by taking the constitutional oath of office and executing a bond to be approved by the appointing power, payable to the Governor of the State of Texas or his successor in office, in the sum of Ten Thousand Dollars (\$10,000.00), conditioned upon the faithful discharge of the duties of his office, with a solvent surety company as surety. The premium to the surety company for the execution of such bond shall be paid by the State.

Sec. 4. In addition to the other duties conferred upon the Legislative Accountant by this Act, it shall be his duty to audit all applications for aid, after same has been passed on by the State Department of Education, and when such application has been approved by said Department, it shall then be the duty of the Legislative Accountant to approve, or reject such application as the provisions of this Act may require. The Legislative Accountant shall have access at all times to all of the books, accounts, reports and other records of the State Department of Education pertaining to the administration and enforcement of this law, and also shall have access to the records of all school and bank depositories thereof.

Sec. 5. Immediately after the close of each fiscal year it shall be the duty of the Legislative Accountant to make a detailed report of his work to the Joint Legislative Committee. The Joint Legislative Committee shall consider such report and make recommendations based thereon to the next regular session of the Legislature thereafter. Said Committee is also directed to study the school laws in order that same said laws may be re-codified and make recommendations thereon to the next Legislature.

Sec. 6. The Legislative Accountant may employ such clerical assistance and other personnel and purchase necessary office supplies and equipment as he may need, within the limits of the appropriations made herein for such purpose. The rates of pay for the employees of the Legislative Ac-

countant shall conform to those set forth in the Departmental Appropriation Bill for similar positions.

Sec. 7. Should for any reason the Joint Legislative Committee fail or refuse to perform the duties herein imposed upon it, or should the duties, powers, and functions of said Joint Legislative Committee become inactive or unenforceable, then, and in that event, such duties as are herein imposed on said Joint Legislative Committee shall be performed by the State Board of Education the same as if said Committee had not been created or authorized.

Article 13. Appropriation and Allocation.

Section 1. Appropriation. For the purpose of promoting the equalization of educational opportunities afforded by the State of Texas to all enumerated scholastics within the State as herein provided, and for the purpose hereinabove set out, there is hereby appropriated out of the General Revenue Fund of the State of Texas, not otherwise appropriated, the sum of Nine Million Eight Hundred Thirty Thousand, Nine Hundred and Ninety Dollars (\$9,830,990) for the school year ending August 31, 1944, and Nine Million Eight Hundred Thirty Thousand, Nine Hundred and Ninety Dollars (\$9,830,990) for the school year ending August 31, 1945, or so much thereof as may be necessary for the biennium ending August 31, 1945, to be allocated and expended under the provisions of this Act by the State Department of Education and under the supervision of the Legislative Accountant.

Sec. 2. Allocation. It is hereby specifically provided that out of the money appropriated for each school year of the biennium the sum of Five Million Three Hundred Seventy-eight Thousand, Four Hundred and Twenty Dollars (\$5,378,420) is hereby set aside for Salary Aid; Nine Hundred and Twenty Thousand Dollars (\$920,000) for High School Tuition; Three Million Four Hundred and Forty Thousand Dollars (\$3,440,000) for Transportation Aid; Seventy-one Thousand Three Hundred and Seventy Dollars (\$71,370) for the administration of this Act as provided herein; Twenty-one Thousand and Two Hundred Dollars (\$21,200) for the expenses of the Legislative Committee,

the salary of the Legislative Accountant, and for such other and necessary expenses incident to the duties of the Legislative Accountant. Such Legislative Accountant shall be paid a salary of not more than Four Thousand and Two Hundred Dollars (\$4,200.00) per year out of the sum hereby allocated. Any unexpended balance under either of the above allocations at the end of the first year of the biennium shall be transferred by order of the State Superintendent of Public Instruction and the approval of the Legislative Accountant to any allocation herein created and set up.

Article 14. Penalty Provisions.

Any district violating any of the provisions of this Act shall forfeit all rights to such aid and shall be disqualified to receive any aid of any nature under any article of this Act for the current year. Should any school district which would otherwise be eligible to receive aid fail to use the funds for the exact purpose for which they were allocated in the approved budget, such school district becomes ineligible for further aid until such offense is corrected. The amount of money granted for each type of aid except Tuition shall be set up as a separate account shall be made only for the specified purposes for which such money was granted. It shall be unlawful for any county school superintendent or the superintendent of any common or independent school district, school teacher, county trustee, and/or district trustee, or any other person to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expense of any person or persons to maintain a lobby for any purpose.

Article 15. Repealing and Constitutional Clauses.

All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Article 16. Emergency Clause.

The fact that many schools are in need of additional aid other than State per capita apportionment and local maintenance, and the public policy requires that proper provisions be made for the maintenance and support of the schools with as little delay as possible,

and the further fact that considerable time is required in preparation for carrying out the terms of this Act, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1943, and it is so enacted.

The report was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Committee Report:

The House has adopted the Conference Committee Report on House Bill No. 665 by a vote of 68 yeas, 48 nays.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives

(President pro tempore Mauritz in the Chair.)

Senate Resolution 105

Senator Cotten offered the following resolution:

Be it resolved by the Senate, That the following named employees be retained for a number of days, and at the per diem salary, specified in each case to perform such duties as may be required of them in connection with the business of the State, viz:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and convening of the next session of the Legislature for which services he shall receive the same per diem he now receives, and in addition thereto, he shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office, except additional employees. One secretary during the interval between adjournment of this session and convening of the next session of the Legislature shall be retained, who shall receive \$5.00 per day.

The Lieutenant-Governor shall be allowed \$10.00 per day, or so much thereof as he shall deem necessary, for secretarial services from the closing of this session, until the convening of the next session, and said sum shall be expended as he may direct.

The Warrant Clerk shall be retained for a period of ten days at a salary of \$5.00 per day, and the Calendar Clerk be retained fifteen days at \$7.50 per day.

The Journal Clerk shall be retained for a period of 150 days at \$10.00 per day, and the present Assistant Journal Clerk shall be retained for 90 days at \$5.00 per day. The Sergeant-at-Arms shall be retained for 21 days at \$7.50 per day, with two assistants for 21 days at \$5.00 per day, and one assistant for 10 days at \$5.00 per day, and five (5) extra porters shall be retained for four days at \$2.50 per day, and additional extra porters as follows: one for eight days, one for seven days, one for six days, one for four days, four for three days, at \$2.50 per day. The Enrolling and Engrossing Clerk shall be retained seven (7) days at \$7.50 per day, and one typist to assist her shall be retained for three (3) days at \$5.00 per day. The private secretary of each Senator may be retained for five days at \$5.00 per day to perform such duties as may be required of them, and any member of the Senate who has not used the amount of employment allotted to him in the original caucus report may, if he needs such employee, keep one other employee other than his secretary at a salary of \$5.00 per day, for five days after the end of the session. The Postmistress shall be retained six days at \$6.00 per day, after which time the Secretary of the Senate shall attend to all mail of the Senators. The Librarian of the Senate shall be retained three days at \$5.00 per day; the Mailing Clerk for five days at \$6.00 per day, and two (2) assistants for two days at \$5.00 per day.

The Chairman of the Senate Committee on Contingent Expense is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of

the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Regular Session of the Forty-eighth Legislature, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval.

The Lieutenant Governor shall appoint a Custodian of the Senate to perform such services as the Lieutenant Governor or the Secretary of the Senate may direct and the Custodian to receive the sum of \$125.00 per month.

The Lieutenant Governor is authorized to employ a head porter to serve as he shall direct in keeping the Senate Chamber in order during the interval between this session and the next ensuing session of the Legislature, and one assistant porter, to serve as he shall direct in keeping the Senator's offices in order during the interval between this session and the next ensuing session of the Legislature. The head porter shall receive \$105.00 per month and the assistant porter shall receive \$75.00 per month; and be it further

Resolved, That there shall be printed seven hundred fifty (750) volumes of the Senate Journals of the Regular Session of the Forty-eighth Legislature, and when completed, two hundred fifty (250) copies shall be bound in buckram and delivered to the Secretary of State and one volume thus bound shall be forwarded by the Secretary of State to each Member of the Senate and House of Representatives, to the Lieutenant Governor and Secretary of the Senate, and twenty-five (25) such copies shall be delivered to the Secretary of the Senate, and the remaining copies shall be retained by the Secretary of State. The printing of such Senate Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expense, provided further, that it shall be the duty of said chairman to refuse to receive or receipt for said

Journals until corrected and published in accordance with the pre-existing law and as finally approved by the Chairman of the Committee on Contingent Expense of the Senate. When the accounts have been certified to by the Chairman of the Senate Committee on Contingent Expense, said accounts shall be paid out of the Contingent Expense Fund of the Regular Session of the Forty-eighth Legislature; and be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the Regular Session of the Forty-eighth Legislature upon warrants signed by the Lieutenant Governor and the Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Lieutenant Governor and Chairman of the Senate Committee on Contingent Expense; and be it further

Resolved, That the Chairman of the Committee on Contingent Expense shall be reimbursed in the sum of \$55.00 paid out by him in connection with the inauguration of the Governor and the Lieutenant Governor; and be it further

Resolved, That any necessary pre-session employment for the next ensuing session of the Legislature shall be paid for from the Senate Contingent Expense Fund; and be it further

Resolved, That the cash balance on hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Secretary of the Senate and he is directed to have full charge of the vending machines and receipts thereof now authorized by said resolution; and be it further

Resolved, That a matron be retained for the women's rest room at a salary of \$40.00 per month; and be it further

Resolved, That the Lieutenant Governor be and he is hereby authorized to retain one secretary for such time as may be necessary for the compiling, indexing and annotating of the Legislative Manual for the Senate of the Forty-eighth Legislature, and for said services said secretary shall receive the sum of \$5.00 per day.

On motion of Senator Cotten, and by unanimous consent, the reading of the resolution was dispensed with and it was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has adopted the Conference Committee Report on S. B. No. No. 89 by a viva voce vote.

H. B. No. 650, Making a supplemental appropriation to pay the contingent expense for the Forty-eighth Legislature.

The House has adopted the Conference Committee Report on House Bill No. 176 by a vote of 73 yeas and 55 noes. 2 present and not voting.

The House has concurred in Senate amendments to H. B. No. 443 by a vote of 66 yeas and 62 noes and 4 present and not voting.

Motion to reconsider vote by which House concurred in Senate amendments to H. B. No. 443, prevailed by a vote of 69 yeas and 59 nays.

The House refused to concur in Senate amendments to H. B. No. 443 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, by a vote of 72 yeas and 59 noes.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

(President in the Chair.)

Executive Session

On motion of Senator Brownlee, and by unanimous consent, the Senate went into executive session.

After Executive Session

At the conclusion of the executive session, the Secretary informed the Journal Clerk that the following appointments had been confirmed by the Senate:

To be Members of the Board of Directors of the Brazos River Conserva-

tion and Reclamation District, for six year terms expiring January 31, 1949:

G. G. Chance of Bryan, Brazos County.

C. M. Caldwell of Abilene, Taylor County.

J. S. Fox of Granger, Williamson County.

Herbert Hilburn of Plainview, Hale County.

William Hallmark of Dublin, Erath County.

To be Members of the Board of Directors of the Brazos River Conservation and Reclamation District for six year terms expiring February 1, 1947:

Milton E. Daniel of Breckenridge, Stephens County.

R. A. Whatley of Mineral Wells, Palo Pinto County.

W. W. Siddons of Hillsboro, Hill County.

The Secretary further informed the Journal Clerk that the appointment of L. C. Procter to be Executive Director of the State Department of Public Welfare had been rejected.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has adopted the Conference Committee Report on S. B. No. 144 by a vote of 139 yeas and 0 nays.

The House has adopted the Conference Committee Report on H. C. R. No. 42 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 368 by a viva voce vote.

The House has adopted the Conference Committee Report on S. B. No. 256 by a vote of 81 yeas and 19 nays and 1 present and not voting.

H. C. R. No. 169, To correct typographical error in H. B. No. 176.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 169

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 169, Authorizing correction in H. B. No. 176.

The President laid the resolution before the Senate, and it was read and adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

S. C. R. No. 58, Relating to certificate for Texans who have died in the service of their Country.

H. C. R. No. 20, Relating to the Commission for the Blind.

The House has adopted the Conference Committee Report on S. B. No. 333 by a vote of 110 yeas and 11 nays, 3 present and not voting.

H. C. R. No. 167, Commending Hon. Coke Stevenson, Governor of Texas.

H. C. R. No. 168, Relative to the purchase of a portrait of Lieutenant Duncan S. Hughes.

H. C. R. No. 170, Authorizing appropriation to purchase boiler and equipment for Sam Houston State Teachers College.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Report of Standing Committee

By unanimous consent the following report was submitted at this time:

Austin, Texas,
May 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 650, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

House Bill 650 on Second Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 650 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	York
Lovelady	

Absent—Excused

Fain	Shivers
Formby	Spears
Kelley	Weinert
Lemens	Winfield

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 650 on Third Reading

The President then laid H. B. No. 650 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Nays—1

Aikin

Absent—Excused

Fain	Shivers
Formby	Spears
Kelley	Weinert
Lemens	Winfield

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 696, A bill to be entitled "An Act amending Section 6 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, as amended by Section 3 of H. B. No. 828, Chapter 480, Acts of the Regular Session of the Forty-seventh Legislature, as amended by Section 1 of H. B. No. 1094, Chapter 613, Acts of the Regular Session of the Forty-seventh Legislature; etc.; and declaring an emergency."

H. B. No. 655, A bill to be entitled "An Act relating to marks and brands in Ochiltree County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new section to be known as Article 6899h, requiring that in said county each owner of any livestock mentioned in Chapter 1, of Title 121 of the Revised Civil Statutes of Texas, 1925, shall, within six (6) months after this Act takes effect, have his mark and brand for such livestock recorded at the office of the County Clerk; etc.; and declaring an emergency."

H. B. No. 514, A bill to be entitled "An Act making an appropriation of Four Hundred and Fifty-two Dollars and Sixty Cents (\$452.60) from the Permanent School Fund for the purpose of reimbursing certain filing fees, etc.; and declaring an emergency."

H. B. No. 746, A bill to be entitled "An Act authorizing any political subdivision of this State to invest balances remaining in their accounts at the end of any fiscal year in Defense Bonds or other obligations of the United States of America; providing, however, that whenever such funds are needed the bonds of the United States in which said balances are invested shall be sold or redeemed and the proceeds deposited in the funds from which they were drawn; and declaring an emergency."

H. B. No. 358, A bill to be entitled "An Act validating the annexation of

territory and the extension of the boundaries of all cities and towns incorporated under the General Laws and having a population of 5,000 inhabitants or less, according to the last preceding Federal Census; etc.; and declaring an emergency."

S. B. No. 350, A bill to be entitled "An Act providing that in all incorporated cities and towns containing more than two hundred ninety-three thousand (293,000) inhabitants according to the last preceding or any future Federal Census, the governing body shall have power to lay out, acquire and/or construct any section or portion of any street within its jurisdiction as a freeway under certain circumstances; defining the term 'freeway'; conferring the right to close streets or to make provision for carrying any street over or under or to a connection without the freeway; providing for the power of condemnation of the right of access to an existing public street when converted into a freeway; repealing all laws in conflict."

S. B. No. 323, A bill to be entitled "An Act authorizing the State Board of Control to purchase real property and improvements from any person, firm, or corporation having such property for sale at a cost of not to exceed \$150,000.00 for such real property, improvements, and equipment; directing the examination and approval of title by the Attorney General; directing an appraisal of any such property prior to purchase by a competent engineer and architect; etc.; and declaring an emergency."

H. B. No. 176, A bill to be entitled "An Act providing for a more efficient public school system in Texas; providing for the equalization of funds; making an appropriation of Nine Million Eight Hundred Thirty Thousand, Nine Hundred Ninety (\$9,830,990) Dollars for each year of the biennium ending August 31, 1945; allocating the funds so appropriated; providing for the administration thereof by the State Superintendent of Public Instruction, the Legislative Accountant, the Department of Education, the Director of Equalization; creating a Joint Legislative Committee; defining its powers and duties; providing for the appointment of a Legislative Accountant and providing for his powers and duties; providing that in the event the Joint

Legislative Committee fails or refuses to perform duties herein imposed same shall be performed by the State Board of Education; defining what schools and school districts may receive aid with certain exceptions thereto; etc.; and declaring an emergency."

S. B. No. 367, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund of the State of Texas for the Secretary of State, for the purpose of compiling, editing, indexing, binding and distributing the current laws; making the same immediately available; providing for work to be done by the Secretary of State or by contract with any person, firm, or company engaged in the publishing business; prescribing the manner of indexing, compiling and publishing such laws; suspending all laws in conflict; and declaring an emergency."

S. B. No. 253, A bill to be entitled "An Act authorizing the commissioners courts in counties where any Army or Navy Base, Camp, Station or Yard, is located, to create a Military Zone adjacent to such Camp, Base, Station or Yard; to establish regulations for traffic, parking and other use of said zones; prescribing penalties for violation thereof; and declaring an emergency."

S. B. No. 338, A bill to be entitled "An Act amending Article 2700.1, Acts of the Forty-seventh Legislature, 1941, pertaining to the salaries of elective county superintendents and to office and traveling expense; providing for salaries of county superintendents in counties having more than thirty-five hundred (3,500) scholastics and less than eight thousand and one (8,001) scholastics under certain conditions; providing for assistants to the county superintendent; providing for supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act, and repealing all General Laws in conflict herewith except such General Laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

S. B. No. 195, A bill to be entitled "An Act authorizing the appointment by the District Attorney of an assistant in Judicial Districts composed

of two or more counties where the District Attorney is absent by reason of being a member of the Armed Forces of the United States of America; etc.; and declaring an emergency."

S. B. No. 100, A bill to be entitled "An Act amending Article 333 of the Code of Criminal Procedure of the State of Texas of the year 1925 codification so as to permit the appointment of not less than three nor more than five persons to perform the duties of Jury Commissioners; etc.; and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act amending Section 1, S. B. 192, Chapter 180, page 449, General Laws of the Thirty-ninth Legislature, Regular Session, 1925, to provide that any person who for four years or more has been a holder of a State first grade certificate or its equivalent and who can furnish evidence of successful experience in teaching in the public schools for six or more sessions subsequent to September 1, 1910, shall be entitled to receive a State permanent first grade certificate; and declaring an emergency."

S. B. No. 319, A bill to be entitled "An Act authorizing the allowance of traveling expenses not to exceed Twenty-five (\$25) Dollars per month for each county commissioner in counties having a population of not less than twenty-four thousand, nine hundred and twenty (24,920) and not more than twenty-five thousand, two hundred, according to the last preceding or any future Federal Census and having a tax valuation of not less than Thirteen Million (\$13,000,000) Dollars nor more than Twenty Million (\$20,000,000) Dollars; etc.; and declaring an emergency."

H. C. R. No. 131.
H. C. R. No. 135.
H. C. R. No. 151.
H. C. R. No. 157.
H. C. R. No. 158.
S. C. R. No. 16.
S. C. R. No. 60.

Appointment of Committee Pursuant To House Bill 176

Pursuant to the provisions of H. B. No. 176, the rural aid bill, the President announced the appointment of the following members, on the part

of the Senate, of the Joint Legislative Committee provided for therein:

Senators Morris, Metcalfe, Bullock, Lovelady and Kelley.

Message from the Governor

The following message was received and read to the Senate:

Austin, Texas,
May 11, 1943.

To the Senate of the Forty-eighth Legislature:

Complying with S. C. R. No. 60, Senate Bill No. 100 is being returned for corrections by the Enrolling Clerk.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Report of Conference Committee on Senate Bill 333

Senator Lanning submitted the following report:

May 11, 1943,

Hon. John Lee Smith, President of the Senate.

Hon. Price Daniel, Speaker of the House of Representatives.

Sirs: We, your Members of the Conference Committee appointed to adjust the differences between the Senate and the House on S. B. No. 333, have met and recommend that S. B. No. 333, the educational appropriation bill, be passed in the form attached.

LANNING,
METCALFE,
LOVELADY,
MORRIS,
BROWNEE,

On the Part of the Senate;

McDONALD,
HELPINSTILL,
BELL of DeWitt,
WATTNER,
PROFFER,

On the part of the House.

On motion of Senator Moore, it was ordered that the bill submitted with the report be not printed in the Journal.

The report was adopted.

Communication from Honorable Vernon Lemens

At the direction of the President, the Secretary read the following communication:

Headquarters, Camp Hood,
Camp Hood, Texas

April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Dear Sir: Military duties prevent the full discharge of my work as a member of the committee investigating textbook purchases, etc., of which Senator Metcalfe is chairman. Please accept this letter as my resignation from membership on this committee.

It is my hope that you will accept this resignation at an early date, in order that another Senator may be appointed to serve in my stead.

Very respectfully,
VERNON LEMENS.

Appointment of Member of Committee to Investigate Matters Pertaining to Textbooks

The President announced the appointment of Senator Lane as a member of the committee to investigate matters pertaining to free textbooks, to succeed Senator Lemens, resigned.

Senate Resolution 106

Senator Stone offered the following resolution:

Be it Resolved by the Senate of Texas, That the Railroad Commission of Texas be thanked for returning to the Senate the office now occupied by Senator Weaver Moore which the Senate some years ago loaned them, and be it further

Resolved, That the Secretary of the Senate be ordered and directed to take care of such office as a portion of the quarters of the Senate of Texas.

The resolution was read and was adopted.

House Concurrent Resolution 167

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 167, Commending Governor Coke R. Stevenson to the entire nation.

The President laid the resolution before the Senate and it was read and was adopted.

House Concurrent Resolution 168

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 168, Providing for purchase of portrait of the late Ducan S. Hughes.

The President laid the resolution before the Senate, and it was read and was adopted.

Report of Conference Committee on Senate Bill 332

Senator Graves submitted the following report:

May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Hon. Price Daniel, Speaker of the House of Representatives.

Sirs: We, the Members of your Conference Committee appointed to adjust the differences between the Senate and the House on S. B. No. 332, the departmental appropriation bill, have met and recommend that S. B. No. 332 be passed in the form attached hereto.

GRAVES,
LANNING,
MAURITZ,
MOORE,

On the Part of the Senate;

BUNDY,
PRICE,
HUFFMAN,
COKER,

On the Part of the House.

(President pro tempore Mauritz in the Chair.)

The report was adopted.

Record of Votes

Senators Aikin, Beck, Moffett, Chadick, Hazlewood, and Vick asked to be recorded as voting "nay" on the adoption of the report.

On motion of Senator Graves, it was ordered that the bill attached to the report be not printed in the Journal.

(President in the Chair.)

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions.

H. B. No. 390, A bill to be entitled "An Act to amend H. B. No. 397, Chapter 444, page 719, Acts of the Forty-seventh Legislature, 1941; etc.; and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act regulating the separation and seating of white and negro passengers on motor buses operating for hire; etc.; and declaring an emergency."

H. B. No. 9, A bill to be entitled "An Act to amend Subsection (4), Section 2, Article XX of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, and all subsequent amendments thereto, providing for the allocation of funds from the Clearance Fund to the Old Age Assistance Fund, providing for the appropriation of such funds; and declaring an emergency."

H. B. No. 677, "To reduce the annual occupation tax on auctioneers in Texas."

H. B. No. 310, A bill to be entitled "An Act to amend Chapter 292, Acts of the Regular Session of the Forty-first Legislature, as amended by Chapter 584, Acts of the Regular Session of the Forty-seventh Legislature, the same being entitled 'An Act to aid the City of Port Arthur, Texas, situated in Commissioners' Precinct Number 2 of Jefferson County, Texas, in constructing and maintaining sea walls, breakwaters and shore protections in order to protect said city from calamitous overflows, by donating to it eight-ninths (8/9) of ad valorem taxes collected on all property, both real and personal, in Commissioners' Precinct No. 2 of Jefferson County, Texas, for a period of twenty years, providing a penalty for misapplication of the monies thus donated, and declaring an emergency' by extending the provisions of said Act for a period of fifteen years from September 1, 1943, and ending August 31, 1945; etc.; and declaring an emergency."

H. B. No. 665, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 193, and ending August 31, 1945; etc.; and declaring an emergency."

H. B. No. 368, A bill to be entitled "An Act empowering the commissioners' court to create the office of Veterans County Service Office and authorizing the appointment by the commissioner' court of a Veterans County Service Officer and Assistant Veterans County Service Officers and other necessary personnel; etc.; and declaring an emergency."

H. B. No. 219, A bill to be entitled "An Act appropriating the sum of One Million One Hundred Ninety-nine Thousand Fifty-five and 58/100 (\$1,199,055.58) Dollars per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1943, and ending August 31, 1945, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, vocational rehabilitation and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal funds; etc.; and declaring an emergency."

H. B. No. 462, A bill to be entitled "An Act to amend Section 15 of Article 6203, Revised Civil Statutes of 1925, as amended; etc.; and declaring an emergency."

H. B. No. 652, A bill to be entitled "An Act to release all State ad valorem taxes in the County of San Augustine, in the State of Texas, for a period of five years; declaring legislative intent, finding the tornado of March 5, 1943, that destroyed San Augustine, Texas, and the surrounding territory to be a great public calamity, suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 544, A bill to be entitled "An Act to amend Article 2815, Chapter 13, Title 49, Revised Civil Statutes of Texas, 1925, by providing a method of withdrawal in addition to the present method of dissolution; and declaring an emergency."

H. B. No. 692, A bill to be entitled "An Act to amend Section 5 of Chapter 367, Acts of the Regular Session of the Forty-second Legislature, etc.; and declaring an emergency."

H. B. No. 497, A bill to be entitled "An Act creating the Dallas County Flood Control District in Dallas County, Texas, and defining its pow-

ers; providing that the powers; etc.; and declaring an emergency."

H. B. No. 499, A bill to be entitled "An Act appropriating and transferring for each fiscal year in the biennium ending August 31, 1945 to the Special Fund in the Treasury known as the 'Blind Assistance Fund' for the purpose of providing and administering assistance to the blind as authorized by law the sum of Seven Hundred Thousand (\$700,000.00) Dollars from the Clearance Fund established by H. B. No. 8, Regular Session, Acts Forty-seventh Legislature, said amount to be provided on a basis of equal monthly installments; and declaring an emergency."

H. B. No. 666, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of eleemosynary and reformatory institutions of the State of Texas for the two-year period beginning September 1, 1943 and ending August 31, 1945; and prescribing certain regulations and restrictions in respect to the expenditure of said appropriation; and declaring an emergency."

S. B. No. 89, A bill to be entitled "An Act amending Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended; declaring the policy of the State with reference to building, maintaining, and financing State designated roads; declaring the policy of the State with reference to the construction of roads which are ancillary to but are not State designated highways; defining certain terms used throughout the Act; continuing the Board of County and District Road Indebtedness and prescribing the powers, duties and obligations of said Board; allocating revenue obtained from the occupation tax on the business of selling gasoline; continuing the County and Road District Highway Fund and the Lateral Road Account; etc.; and declaring an emergency."

S. B. No. 144, A bill to be entitled "An Act providing for placing certain special funds in the General Revenue Fund of the State of Texas and especially transferring a portion of the surplus from the Operator's and Chauffeur's License Fund to the

General Revenue Fund of the State of Texas; and declaring an emergency."

S. B. No. 333, A bill to be entitled "An Act fixing appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1943, and ending August 31, 1945, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a saving clause; and declaring an emergency."

H. B. No. 650, A bill to be entitled "An Act making an appropriation out of the Contingent Expense Fund of the House of Representatives, Forty-eighth Legislature of the State of Texas, to pay salaries of certain employees of the House of Representatives who were employed in pre-session work; authorizing payment of such claim or claims on the taking effect of this Act; and declaring an emergency."

S. B. No. 117, A bill to be entitled "An Act further regulating the traffic in alcoholic liquors in this State by amending the Texas Liquor Control Act in the following particulars: Amend Section 3, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 1, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, defining the term 'open saloon,' naming unlawful acts, and omitting special penalty; amend Section 4. (a)., Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 4, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, providing for permits for classified privileges; amending Section 13, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth

Legislature, as amended by Section 14, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, declaring liquor permits and licenses special privileges and providing for issuance of such licenses and permits to successors in interest under certain conditions, providing conditions as to holding of permits; amend Section 15 (b) as provided in Section 18, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, amending Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, providing time limitation for permits, the payment of fees, requiring permit for each outlet and for manner and method of refunding permit fees paid where application for permit is rejected; amend Section 15 (c) as provided in Section 19, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, amending Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, and as amended by Section 4, Chapter 13, Acts of the First Called Session of the Forty-fifth Legislature, providing for manner and method of issuance of permits and renewal thereof, providing for method of changing location where permit is used; amend Section 30, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 37, Chapter 448, Acts of the Regular Session of the Forty-fifth Legislature, providing custody and sale of alcoholic beverages and property forfeited to the State as nuisances, providing for transfer of title thereof, providing for destruction of alcoholic beverages unfit for consumption, allocating funds and making appropriation thereof under certain conditions; etc.; and declaring an emergency."

H. C. R. No. 149.

H. C. R. No. 150.

H. C. R. No. 164.

H. C. R. No. 120.

H. C. R. No. 128.

H. C. R. No. 129.

H. C. R. No. 131.

H. C. R. No. 169.

H. C. R. No. 167.

H. C. R. No. 168.

S. C. R. No. 58.

(Senator York in the Chair.)

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to adopt Conference Committee report on S. B. No. 332, and requests appointment of a new Conference Committee.

The following Conferees have been appointed on S. B. No. 332: Messrs. Bundy, Deen, Price, Huffman, and Morse.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives

Request of House Refused

Senator Lanning moved that the Senate refuse to grant the request of the House for a new Conference Committee on S. B. No. 332.

The motion prevailed.

Record of Votes

Senators Aikin, Chadick, Lane, Moffett and Morris asked to be recorded as voting "nay" on the motion.

(President pro tempore Mauritz in the Chair.)

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has relieved its conferees on S. B. 332 of all instructions and again respectfully requests the Senate to appoint a new Conference Committee.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

(President in the Chair.)

New Conference Committee on Senate Bill 332

Senator Aikin moved that the request of the House for a new conference committee to adjust the dif-

ferences between the two Houses on S. B. No. 332 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate:

Senators Lanning, Mauritz, Graves, Vick and Moore.

Report of Conference Committee on Senate Bill 332

Senator Lanning submitted the following report of the second conference committee on S. B. No. 332:

May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Hon. Price Daniel, Speaker of the House of Representatives.

Sirs: We, the Members of your Conference Committee appointed to adjust the differences between the Senate and the House on S. B. No. 332, have met and recommend that S. B. No. 332 be passed in the form attached hereto.

LANNING,
GRAVES,
MAURITZ,
MOORE,

On the Part of the Senate.

BUNDY,
HUFFMAN,
DEEN,

On the Part of the House.

On motion of Senator Moore, and by unanimous consent, it was ordered that the bill attached to the report be not printed in the Journal.

The report was adopted.

Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the report.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. C. R. No. 171, Authorizing Enrolling Clerk of the Senate to make changes in S. B. No. 332.

The House has adopted the Conference Committee Report on S. B. No.

332 as submitted by the second Conference Committee on the bill, by a vote of 106 yeas and 18 nays.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 171

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 171, Authorizing the Enrolling Clerk of the Senate to make certain changes in S. B. No. 332, following the adoption by each House of the second Conference Committee report on the bill.

The President laid the resolution before the Senate, and it was read and was adopted.

Committee to Notify the Governor and the House

Senator Aikin moved that a committee to notify the Governor, and a committee to notify the House, that the Senate has completed its labors and is ready to adjourn sine die be appointed by the President.

The motion prevailed.

Accordingly, the President appointed the following committee to so notify the Governor and the House:

Senators Aikin, Moffett, Lane, and Moore.

Governor and House Notified

The committee appointed to notify the Governor and House that the Senate is ready to adjourn sine die appeared at the bar of the Senate, and Senator Aikin for the committee, announced that the duties assigned it had been performed.

Senate Notified

A committee from the House, composed of Representatives Manford, Craig, Walker, Goodman of Tarrant, and Dunn, appeared at the bar of the Senate, and Mr. Manford, of the committee, notified the Senate that the House had completed its labors and was ready to adjourn sine die.

Resolution and Bill Signed

The President signed, in the presence of the Senate, after giving due notice that he would do so, the following enrolled resolution and bill:

H. C. R. No. 171, Authorizing correction in S. B. No. 332.

S. B. No. 332, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1943 and ending August 31, 1945; and for payment

of other specified claims and items; and declaring an emergency."

Adjournment Sine Die

At 12:00 o'clock m., the President announced the hour fixed by concurrent action of the House and Senate for final adjournment of the Regular Session of the Forty-eighth Legislature had arrived.

Senator Lovelady moved that the Senate adjourn sine die.

The motion prevailed, and the President declared the Senate adjourned sine die.

In Memory of

Aviation Cadet Ernest Lafayette Leonard

The President laid before the Senate, and directed the Secretary to read, the following resolution:

H. C. R. No. 149, In Memory of Aviation Cadet Ernest Lafayette Leonard.

Whereas, Aviation Cadet Ernest Lafayette Leonard, brother of our honored fellow member and former Speaker, Homer Leonard, met an untimely death in the Service of our Country at Majors Field, Greenville, Texas, on May 8th, 1943; and

Whereas, The life of this young man, since his birth on February 5th, 1916, at Rolls, Missouri, exemplified the finer qualities of American manhood that have lent character to the Nation and made it strong; and

Whereas, After studying at the University of Texas, he answered the call of his Country on June 19th, 1941, to preserve, protect and defend this land of our in whatsoever trials and circumstances and at whatsoever cost; and

Whereas, The Supreme Ruler of us all has decreed that the name of Ernest Lafayette Leonard be placed upon the roll of those who died that others might live, than which there is no higher service; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature of Texas extend its deepest sympathy to the surviving members of the family of Ernest Lafayette Leonard; and especially to Homer would we give freely of such consolation as may come from the warmth of friendship; be it further

Resolved, That in the loss of this valuable life we take cognizance of the appalling cost of preserving things American, and recognize the duty of the living so to maintain the ideals of our democracy that these honored dead shall not have died in vain; be it further

Resolved, That a page in the Journals of the House of Representatives and Senate be dedicated to the memory of Ernest Lafayette Leonard, and that a copy of this resolution be forwarded by the Chief Clerk of the House of Representatives, to the members of his family.

The resolution was read and was adopted unanimously.

In Memory of

Charles B. Metcalfe

The President laid before the Senate, and directed the Secretary to read, the following resolution:

H. C. R. No. 150, In Memory of Honorable Charles B. Metcalfe.

Whereas, On December 11, 1941, the State of Texas, and particularly the City of San Angelo, lost one of its most distinguished pioneer citizens in the passing from this life of the Honorable Charles B. Metcalfe, father of Senator Penrose Metcalfe of the 25th District; and

Whereas, Charles B. Metcalfe typified the highest ideal of the Texas pioneer in that his life's work, as freely given for others as for himself, included not only material but idealistic achievements, which gained for him the love and respect of all who knew him; and

Whereas, Charles B. Metcalfe, born in Lawrence County, Tennessee, on May 18, 1856, and educated at one of the State's first endowed colleges, came to Fort Concho in Tom Green County in 1872, and immediately made himself, although only a boy of sixteen, a responsible member of the community, and continued thereafter to contribute generously to the progress and development of that part of West Texas for the remainder of a long life; and

Whereas, Among his accomplishments were such items as service as an early county commissioner of Tom Green County, the building of the first hard surfaced roads in the county, the first waterworks system, and many of the early irrigation and water-power dams of that part of the State. He grew the first cotton in Tom Green County; erected the first cotton gin; and introduced to West Texas such new and profitable crops as celery, potatoes, cabbage and fruits; and he maintained a keen interest in pecan growing; and

Whereas, As a member of the 34th and 35th Legislature he took a leading part in such progressive legislation as the law which gave Texas women the right to vote, the laws to support the school and to protect agricultural interests; and

Whereas, Aided through most of the years by a loyal and able wife and a devoted son, Charles B. Metcalfe played "a man's part in the world for more than 70 of his 85 years"; now, therefore, be it

Resolved by the House of Representatives of the 48th Legislature, That it express its appreciation of the services of this splendid citizen, and its regret at his passing; and be it further

Resolved, That a copy of this resolution be spread on the memorial pages of the House Journal of the day and that copies of the resolution be sent to the family of Charles B. Metcalfe.

The resolution was read and was adopted unanimously.